

9
A T R E A T I S E

ON THE

MODERN SYSTEM OF GOVERNING

GAOLS, PENITENTIARIES,

AND

HOUSES OF CORRECTION,

WITH A VIEW TO

Moral Improvement and Reformation of Character;

ALSO, A DETAIL OF

THE DUTIES OF EACH DEPARTMENT OF A PRISON,

TOGETHER WITH

SOME OBSERVATIONS ON THE STATE OF PRISON DISCIPLINE,
AT HOME AND ABROAD,

AND ON

THE MANAGEMENT OF LUNATIC ASYLUMS.

BY MAJOR JAMES PALMER,

One of the Inspectors-General of Prisons in Ireland.

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THE HISTORY OF THE

REIGN OF
HENRY THE SEVENTH

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JAMES HALLAM

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TO
THE LORD LIEUTENANTS OF COUNTIES,
AND
THE MAGISTRATES
OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
ARE DEDICATED
THE FOLLOWING
OBSERVATIONS
ON THE
MANAGEMENT OF THE PRISONS
IN
ENGLAND, IRELAND, AND SCOTLAND,
WITH A VIEW TO ESTABLISH UNIFORMITY OF PRACTICE, AND TO BRING
BEFORE THOSE IN AUTHORITY A FAIR AND JUST STATEMENT
OF A SUBJECT ACKNOWLEDGED BY ALL TO BE IM-
PORTANT, AND YET ON WHICH SO MANY
DIFFERENT OPINIONS ARE HELD.

Deeply as the Author is himself impressed with the importance, in a national point of view, of obtaining a reformation amongst the Criminals of the Country, while the punitive law should by no means be neglected, he ventures to submit to the Magistracy of the Kingdom his opinions, and reasoning in their support, and trusts that his experience for twelve years as Inspector-General of Prisons in Ireland will plead some excuse for an attempt, which, however arduous, he cannot allow himself to consider hopeless.

PREFACE.

Most of the opinions in this publication have been brought before the public in various shapes, within the last thirty years, and it may require some explanation to account for an intrusion that at first sight appears uncalled for. I trust, however, I shall stand acquitted when I state, that I am not aware of any attempt to give practical instructions on all points of duty and detail, to the various officers of a prison, of any description, and to define the system and management that has been laid down by the best judges on the subject, for obtaining the ultimate object of all imprisonment, viz., the *prevention of crime* and the *reformation of the criminal*. My object has been to collect the best practical opinions; to add such as experience has taught me, and to arrange the whole in a plain manner, so that it may become intelligible to all. If I have in any degree succeeded in this, the errors in other respects will be excused.

The office I have held as one of the Inspectors-General of Prisons in Ireland for twelve years, will plead an apology for my venturing on the subject. It has given me abundant opportunities of investigating the details of prison discipline in all their bearings, and I may say with confidence, that my colleague and myself have taken a great interest in them.

I have divided the subject into chapters for the convenience of reference, and I found it necessary occasionally to exceed the limits of mere instruction to officers, in order to prove the principles I maintained.

I have studiously avoided the subjects of *jurisprudence*, *increase of crime*, with its *causes*, and *legal enactments* to enforce the system proposed, the latter of which is of vital importance to secure uniformity. But such commentaries would not be suitable for a public officer to enter upon, and even if they were, I feel myself quite unqualified for the task.

In dedicating this work to the Lord Lieutenants and Magistrates of Great Britain, I feel I have acted as I should. They are the natural and authorised guardians of the county institutions; with their countenance and assistance the principles I have ventured to recommend, and the suggestions I have made, must obtain a fair trial, and without their approbation and support it would be vain to expect the county to provide for, or the officers to administer, an effective and salutary system.

The reader will find many observations repeated in various chapters, and some, perhaps, which he may consider would be better placed under another head; but this has not been done without consideration. Both these apparent errors in the arrangement will, I trust, be found generally useful in a book of mere instruction, and will call the attention of many readers to points which they would not otherwise be informed upon, from the natural tendency of persons to study only that part of a work which applies to their own office.

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A TREATISE

ON THE

MODERN SYSTEM OF GOVERNING GAOLS,

&c.

CHAPTER I.

ON CRIME AND PUNISHMENT.

IN all nations of the world the principle of their penal law would seem to have been *revenge*; a principle founded upon the supposed claim of justice, upon the life, liberty, person, or property of the delinquent. Subservient to this principle, and naturally flowing from it, was that policy which sought the repression of crime by the terrors of punishment. This appears to have been the scope and limit of men's notions on the subject; benefit to the criminal seems never to have formed any part of the design; the state of the gaols, from which all idea of humanity was banished, fully demonstrates this fact.

It was falsely supposed that severity of human suffering conveyed a lesson of morality, and that reformation was the natural effect of punishment; to attempt the amelioration of criminals by any other instrument would have been conceived a misapplication of humanity, and a condescension derogatory to the dignity of the community; we cannot therefore be surprised that the progress of society has been marked by the multiplication of penalties, and the increased severity of their character, and that invention has often been active to discover new

refinements of cruelty to restrain the evil and subdue the obdurate. In prosecution of this principle, some nations have engaged in experiments of torture, from which the mind shrinks with horror; not that those experiments were irrational, if the principle were a right one; for, if torture could effect a salutary moral change, it would be prudent, and perhaps humane, to resort to it; but it has ever been a grand error in society, to hope that punishment of a severe nature is capable of effecting a change in the morals, proportionate to the horror and disgust which it excites.

It is not difficult for a reflecting mind to perceive, that fetters and filth are instruments differing not in kind, but only in degree, from the rack and the wheel, and that though they may suffice for a penalty, reclaim they cannot; on the contrary, experience has shown what common sense might have foreseen, that society can derive no benefit from them, and that a prison established on such principles, can only debase the criminal and defeat the true end of punishment.

The discovery was reserved for modern times, that punishment should be measured by its utility, and can be best administered with humanity; that while the sentence of the law is to be executed, it is the interest of the state to make that sentence subservient to the reformation of the offender. Familiar as the term *reformation* may be, its application to criminals is, in fact, a new principle; it has presented the legislator with a new object, and the philanthropist with new gratifications. This discovery, made by Howard, has been prosecuted by others, and the benefits that have resulted are an earnest of more. It has been found that the idle may be taught to relish industry—the ignorant, instruction; that the vicious may be rendered virtuous, and that the apparently abandoned are often found not to be incorrigible; that the human mind is incapable of a degradation too low for humanity to reach to; and if the interests of society could

dispense with the blood of the murderer, he might be found a sincere penitent amongst those restored to society.

These views have actuated the Legislature of England and Ireland in framing the recent Acts relating to prisons in both countries ;—a new order of things has been introduced, vice and idleness must no longer be crowded in scenes of squalid filth and listless inactivity, but a prison must be converted into a house of industry and morality ; the inmates of the walls of a prison must no longer exhibit a society of vacant and loquacious idlers, waiting the day of liberation, and beguiling the tedious period with corrupt and offensive converse, but occupation must supply the materials of thought, and humanity must dispense an infrangible discipline ;—a gaoler must become the minister of something else than mere terror, and to a gaol should be attached other ideas than those of mere infamy. But it is obvious that such a revolution in our criminal system could not be effected at once ; it could not be expected that a Government and its Magistracy, long accustomed to view the administration of the law in one way, can at once unite in forwarding so opposite a plan ; and even were this practicable, persons could not be at once found in every county fit to be entrusted with the execution of a plan so liberal, and so different to that which they have been ever accustomed to. No, such views can only be adopted after mature consideration ; and if otherwise, it would infallibly languish, from want of that zeal which only accompanies a conviction of the truth and usefulness of the system.

Under this impression, my object is to state the case fairly, to detail the improvements of modern times, to give the opinions of various persons on the subject, and to endeavour, as far as practicable, to obtain an uniformity of sentiment and practice on this interesting and most important national subject.

Numerous publications have, within the last twenty years, issued from the press of every civilized nation in Europe, calling public attention to the state of crime, and prison discipline, and this address would be a work of supererogation, were it not that I apprehend some good may be effected, by collecting in a small compass most of the arguments for uniting *reformation* with *punishment*, and placing before the public the details of what is now generally admitted as a sound system, in contradistinction to that which had obtained some thirty years since.

Doubtless much has been done since that great philanthropist, Howard, first called the attention of the British Parliament, and indeed of many European nations, to the state of their gaols; there remains still, however, much to do; and if, by consolidating the views of others on the subject, I can procure a more serious consideration of it by the magistracy, I shall have succeeded as far as I could have expected.

It is unnecessary here to enter minutely into an account of the gradual improvements that have taken place since Howard's days; but certain am I, that the statement I have made, is a just picture of the sentiments of the generality of mankind on gaol discipline in all past ages, and that amidst modern improvements on all other subjects, this seems never to have been agitated to any purpose, till about the beginning of the nineteenth century, and from that period only is to be dated the gradual progress of inquiry, and practical operation of a system, which had for its main object the reformation of the criminal, without interfering with the rational and just punishment of crime.

To the supporters of this view it has often been a subject of wonder and sorrow, that universal consent has not been yielded to the powerful weight of argument found in the writings of Howard, Gurney, Buxton, &c., in this country, and many others in America, and on the continent, and to

the demonstration afforded by the success of the amiable and talented Mrs. Fry, in the department taken up by her, in which she has practically proved, that kindness and humanity can be usefully exercised towards our fellow-mortals with a view to reform, how deep soever sunk in criminality, without infringing in the slightest degree on the just sentence of the law to punishment, or on the degradation to which it is desirable every criminal should feel himself exposed, in consequence of his evil deeds. But the promoters of the modern plan proceed much farther, and assert that this is not merely practicable, but that it is the *only* legitimate way of treating prisoners; that any other mode can only tend to perpetuate crime, and that this assertion does not depend on theory, but has been proved by experience whenever it has been fairly tried; and that although many experiments have not been made, on account of the opposition of men, and the imperfect state of the law, sufficient has been done to prove the case, as the practical trials have been effectual whenever made; many individuals have been restored to society, and are now living peaceable and happy lives, and thanking their Creator for the opportunity given them in prison, by industry, instruction, and example, accompanied by humane treatment, of retracing their steps; and considering, that (even independent of any religious consideration) it was their interest to become good subjects and good men.—I say independent of religion, because I am satisfied a moral reformation is practicable without any fixed notions on it; and, although I am equally satisfied, that correct views of religion are the true groundwork of the most beneficial reform, I particularly wish to draw the distinction between the two means of reformation.—A host of rational opponents would start at a *merely* religious system, which had for its *only* groundwork and support, a subject on which so many amiable men differ, and which would (they say) only open a

door for sectarian zeal and subtleties to inundate the gaol, and, what is worse, religionists forcing their dogmas, whether right or wrong, on the unhappy inmates. Exclusive of this reasoning, I would say, that were reformation made *solely* to be expected from, or to depend upon, religion, too much would depend on the energy, capacity, or willingness of chaplains to perform a laborious duty.—No, I would gladly take all the aid such labours would give, and valuable they would be when zealously performed, but the system should not depend entirely on them.—I would have every officer in the gaol a missionary in the cause of moral government, bound by such regulations as they could not easily break through; and the whole system so carried on (as I propose to show in the following chapters), that regularity, industry, full employment, moral and religious instruction, inspection, with solitary sleeping cells at night, would preclude the possibility of evil communications, and thus to render the confinement odious to the badly-disposed, and a happy opportunity to all to abandon crime, and, at least, to see the beauty of order and industry.

Abandoning, then, all the obsolete opinions of imprisonment, I apprehend I may lay it down as a principle, that the objects of the law, in sentencing criminals to confinement, are twofold:—to prevent crime, or repress it as far as practicable by punishment, and to reform the criminal—revenge on the person of the individual being totally excluded.

I trust I shall be able to show in the following chapters, that these objects are attainable by a wise arrangement of internal discipline, united with a humane treatment of the individual, and that the plan proposed is very far from being liable to the charge usually made against it,—that it provides abundantly for the comfort of prisoners, to the exclusion of punishment and degradation.

A gaol should be contemplated with terror mixed with detestation, by those who first enter

it, as well as those who are likely to return to it. I would not excite this dread by filth, disease, or cruelty ; but by that systematic austerity, gloom, and sadness, properly extending over such an abode, and by that absence of all *indulgence* in the way of society, food, and idleness, which is provided against by constant employment, spare plain diet, and a single cell at night.

Many persons consider that shorter confinements, altogether solitary, would be of more use in every point of view, than longer sentences with employment. I cannot see any objection to this experiment being made in the cases of some incorrigible delinquents, and all very short confinements ; but it should be conducted with great humanity and caution, to prevent a hardened and desperate state of mind. Whatever can promote a distaste for an abandoned life, and a view of the ruin it brings on a whole family should be tried ; but I must leave it to more experienced judges to consider, whether uninstructed solitary confinement is likely to produce these results. Some danger is to be apprehended from cruelty, and should be guarded against in cases of perfect solitary confinement ; the Magistrates should visit and inspect often, so as to prevent a governor of a gaol from being tempted to exercise his power with rigour or tyranny.

I am quite satisfied that it is indispensable to provide a single cell at night for each prisoner ; they dislike it, and that is a sufficient reason ;—but it is otherwise beneficial ; it gives time for reflection, is a great security, and precludes social intercourse ; books should be left in each cell, and twelve successive hours at least spent there. I have no objection to such a rational punishment in a prison, which cannot by possibility encroach on the soundness of mind and body ; and while I would ardently seek for the reformation of prisoners, I cannot lose sight of the propriety of the discipline practised in gaols, becoming a warning to others, not to enter there ; they should feel trouble and

sorrow, instead of comfort and content, and in this I regret that there should appear a shade of difference of opinion with some of those excellent men who have written on this subject.

The employment of prisoners is reserved for another chapter, and I shall only say here, that the objection to employ men at trades is an unjust one, and I think I shall satisfy those persons of it when we come to the subject; but I am quite convinced that the practice in some parts of England of paying prisoners a portion of their earnings, and allowing the same to be expended in extra food, is opposed to all good order, and calculated to act as an invitation to get into prison; the earnings are often far too great, from 2s. to 4s. per week, as appeared in evidence, before the House of Commons, in 1819. It should not exceed one-third of the profits, if extensive, and should only be paid, generally, when leaving gaol, which is the practice in Ireland, and, even then, should be subject to regulations, as to good conduct in prison.

In recommending employment and instruction, I am sensible I am differing in sentiment with many country gentlemen in the three kingdoms, who are jealous of a gaol becoming less infamous, or even more desirable, on account of the proposed education, &c. It is difficult to meet this point in all its bearings, as nothing, however good, in this world is unaccompanied with evil, and its benefits cannot fairly be argued against, on account of abuses, that may and do creep into the best human institutions.

Mr. Halford has given much consideration to the subject of prisons, and has best treated it in his book, on the side of those who would argue against the hope of much reformation to be expected by profitable labour and instruction in prisons. It is with much caution I would differ from such an authority, and I confess I am disposed to agree with him, that danger is to be apprehended on the side of indulgence and cheerful industry,

unless they are dispensed with much judgment ; but should Mr. Halford ever do me the kindness to read this pamphlet, I trust the details I propose will satisfy him, that school instruction and cheerful industry are quite compatible with punishment, and that reformation, by means of instruction, may be considered a rational part of discipline, without doing injury to his primary view of making a prison a place of mental suffering, privation, and hard labour.

In thus stating Mr. Halford's opinions, I mean not in the remotest degree to convey an idea that he would advocate tyranny or oppression ; on the contrary, he is a steady supporter of improvement, and speaks with admiration of the justice of relieving prisoners from the hardships of hunger, nakedness, bad air, irons, or the want of sufficient accommodation ; but he does not appear to contemplate much reformation as probable from profitable work and school instruction, as a part of prison discipline.— (*Vide* Mr. HALFORD'S "*Thoughts on the Criminal Prisons*," p. 44.)

I admit freely that the mode recommended for conducting a gaol, ought to be accompanied by such sound regulations and system, as would amount to punishment ; it should be a place where gloom and austerity reigned ; the work may be of a coarse kind, such as stone-breaking for the roads ; the diet should be plain, yet wholesome, and on no account increased in quality from the earnings of the prisoner ; social intercourse should be excluded (except in some special cases) by close inspection ; the night should be spent in solitude, the day in labour and *instruction* ; the visits of friends and relations to be totally excluded to tried prisoners, except on special occasions, and to depend on good conduct. If this system is what Mr. Halford would sanction and approve, and I believe it is, I trust I shall have his support in forwarding my object, as I am certain he will rejoice if reformation can be procured without interference with the punitive discipline of a prison.

In the plan of discipline I propose in the following chapters, I do not wish to exclude separate confinement even by day, either with or without work, as an experiment, or as may seem to suit the case of some particularly bad individuals, or according to the sentence, should solitary confinement be ordered; but I do desire that one sentence and one treatment shall not be applied to every crime—to the minor misdemeanant on his *first* offence, and the practised felon on his re-committal. I do not mean to draw very nice distinctions, but I fearlessly assert, that a governor, of common sense and judgment, will be able at once to discover the character of a culprit, and in a few hours be able to class and employ him in the way best suited to his case. An able governor and his assistants will soon know the propensities of each prisoner, and under the guidance of a judicious magistracy will direct their propensities to a good end.

When I speak of employment, or work primarily, I do not allude to its affording a profit to tried prisoners; I mention it only as necessary to the discipline, punishment, and reformation of the individual. I must insist on it, that occupation is odious to a criminal, and that he would prefer idleness, unless indeed you make his labour productive of comfort and convenience to him *in gaol*, which I utterly deny should be the case. But I fully approve of the stimulus of one-third of the clear profit being reserved for him on leaving prison, the two-thirds being credited to the county funds. I look upon work, primarily, as a punishment, and a preventive to that social intercourse which is generally used to deprave the mind.

I would conclude this chapter by observing, that the general system of gaol discipline should be as follows:—

A prison should be considered, and practically be, a place of legal punishment; it should class each degree of crime as laid down in the chapter on the management of a gaol (page 15). Each prison

should have apartments for solitary confinement *without work*, should the law sentence thereto. There should be some work (profitable if possible), for every other prisoner;—there should be instruction in reading, writing, and accounts, at stated hours;—there should be perfect silence in every class, as it relates to any social intercourse one with another, preserved by constant inspection;—there should be a separate cell for each prisoner at night;—the diet should be moderate and uniform in all gaols—*sufficient and wholesome*, served with cleanliness, and no other food allowed;—there should be instruction, moral and religious, given by chaplains, who should be well paid for giving all their time to this duty;—there should be no visitors or friends allowed to see sentenced prisoners, except on extraordinary occasions;—the turnkeys should not be allowed to converse freely with prisoners, except in conveying orders, or keeping regularity;—the prison should be kept well ventilated, and sufficiently warm;—it should be kept perfectly clean;—the prisoners should be clothed, and have sufficient blankets at night—no irons or fetters to be used except by the sanction of a magistrate, in writing, stating the period, and the misconduct in gaol for which inflicted; and finally, medical officers should be in daily attendance, and a commodious hospital provided for cases of sickness.

I should apprehend this system of discipline would be as severe as any person, the most fastidious could reasonably require; it accords with the views of Howard, and of all those benevolent persons engaged in the improvement of prisons. I do believe the objects of all the associations have been much misunderstood, if not intentionally misstated, when they are said to be founded on false humanity, hypocrisy, or enthusiasm: they desire to reform as well as to punish, and this is their crime; but if they have not succeeded in the fullest extent, it is only to be attributed to difference

of opinion and the consequent want of provision for carrying on the system.

Whenever this plan is adopted, I think Judges and Magistrates will of necessity see the propriety of shortening the sentences, as it is obvious that more than twelve or twenty-four months of such strictness would be quite unnecessary, and perhaps injurious to health.

During the whole of this process, it should be a part of the system that no officer should be permitted to use harsh words to a prisoner, but, on the contrary, every opportunity taken by the governor (and many daily will offer) to encourage a moral feeling, to show a benevolent one on his own part, to be ready to hear complaints, to forward the just wishes of the prisoners, and he may not unfrequently, in this way, come to the knowledge of facts that may lessen the guilt of some, and prove that of others, far better than the too common means of bribery and spies.

Were I not afraid of being accused of recommending it as an indulgence, incompatible with punishment, I would be strongly disposed to say, that there should be one class for those prisoners who manifested contrition, whose crimes were more trifling, and whose state of mind evidently showed a true feeling of their situation; it may at least be tried if such cases can be discovered, and the plan followed up without favour, and I would hope for a good effect in the way of reformation. Such persons may be allowed more social intercourse, and with them, the chaplains and a qualified governor may so employ themselves, as to restore them to society grateful and happy individuals;—perhaps the promotion to such a class should require the sanction of the magistrates, chaplains, and governor.

It is not a part of my plan to enter at all on the subject of penal law, or to offer an opinion as to the benefit that might arise in lessening crime or producing reformation, were punishments more proportioned to the degrees of guilt, but shall only

remark, that the principle of reformation in prisons is recognised in the report of a select committee of the House of Commons on criminal law, in July 1819, as in that report I read the following observation, in speaking of abolishing the sentence of death for certain crimes: "It is hoped an improved system of imprisonment may ensure every purpose of terror and *reformation*."

I think I have said sufficient to satisfy those who are not already convinced, that it is right to give to those who have been led by temptation into vice, a probation in prison, instead of mere severity, endeavouring to correct bad habits by substituting better ones through the medium of prison discipline, and preventing the evils of ignorance by education. Surely this is more reasonable than the system of those who would treat all crime as incorrigible, and would refuse to them a chance of reform or repentance. It is time enough when a better system has failed, to proceed to the extremity of the system of transportation, or of working in gangs at the public works. The conciliatory system is as just as it is politic; conviction is seldom produced by unjust measures, and as seldom almost can you deter by violent ones; but, doubtless, you may often *wean from crime by mild and rational treatment*, instead of driving all confidence and sympathy away, by irritation and severity. Show a man that you have an interest in his welfare, and you at once gain his confidence, his good feeling, and his ear; and with respect to those who are hardened in crime, we may rest assured that such persons will not be encouraged by the order, instruction, or comforts of a gaol, to proceed in their career; there are few things they would more dread than the ordeal which was likely to end in reformation.

The truth is, that the new system has succeeded as far as it has been tried, and my chief object in committing these sheets to the press, is to obtain a more extended and perfect trial. It is sanctioned by

law, and, if supported by the aid of the magistracy, from good feeling and conviction, success must follow.

The female department has peculiarly triumphed under the care of the Prison Association and numerous associations of females, and is particularly indebted to the ladies of the Society of Friends; it has been the unwearied object of these associations to do good in the best way, by correcting the evils of society. It only needs fair inquiry on any subject of public interest, to lead ultimately to sound views; excite only the spirit of inquiry, and the friends of truth and justice may be satisfied; and should this little work lead to the discussion of the subject, in however small a degree, the author is amply repaid for his trouble.

CHAPTER II.

ON THE PRACTICAL MANAGEMENT OF A PRISON, AND THE DUTY IN EACH DEPARTMENT, INCLUDING *CLASSIFICATION, EMPLOYMENT, ACCOMMODATION, DIETARY, INSPECTION, FEMALE CLASSES, WITH RELIGIOUS AND MORAL INSTRUCTION.*

IN the first chapter I have shown that up to the middle of the eighteenth century, crime has only been considered by legislators with relation to *punishment*, whereas the greatest authorities of modern days assert, and have proved, it should be considered with at least equal relation to *reformation*, punishment being only one of the modes of producing reform. The result of inquiry and calculation in all nations has proved, that capital and severe punishment alone, have failed to lessen crime, and that inquiry has also proved, that a compassionate and mild treatment, accompanied by a system of discipline, such as I propose in this chapter, has been effectual; crime has not removed, but only defaced the moral feelings of mankind, and if we can once satisfy a delinquent that we are interested in his welfare, we are far advanced towards reforming him; none are so wicked or depraved, I believe, as not to be thankful for, if not to give their concurrence in, any plan to relieve them from trouble or sorrow; even the idiot and the lunatic appear to give a silent acknowledgment to this principle, by their gentleness under humane treatment; in fact, bad as human nature is, and tyrannical and cruel as the minds of most people are found to be, when they have power to exercise such dispositions, yet the general feelings of the lookers-on, as well as the sufferer himself, are, that cruelty by way of punishment is but revenge, and this probably produces resentment and new crimes; hence it is, that crimes in all ages have increased in proportion as severity has been exercised.

When I speak of reformation, I allude only to what may be obtained within the walls of a prison, as it cannot be expected this will effect the general morals of the country to a great extent, but if the discipline proposed be universally carried on, it will certainly lessen crime, remove many old and hardened depredators from the field, though it would be only practising a deceit to promise, from it alone, a perfect reformation among the lower order of the community; to effect this, we can only look for aid from the Legislature (if practicable) to remove *drunkenness, idleness, gambling*, and other popular vices, or at least to lessen the means of administering to them; to encourage education, moral and religious, to make provision for orphan and deserted children, and to establish well regulated houses of industry in every county.

To revert however to the proper subjects of this chapter, *discipline*, its object, and ends, I would assert that all criminals should be treated as the children of the state, and corrected only as a wise parent would correct his son—by education, advice, moderate punishment, and humane treatment, any thing vindictive is cruelty and folly—the one destroys, the other may reform the child.

Reformation of the individuals in a prison is, doubtless, the chief object, and I would leave it to any rational mind to decide, whether whipping, irons, or any disgraceful exposure of the individual, is calculated to reform; if not, then let us banish such means, at least in the case of adults. There is no individual, however depraved, that has not some good; let us then cherish that good, and it will, in ninety-nine cases out of one hundred, spring up in a desire for moral improvement, and for a better condition in life; how much more hope then would we have of the young offender, he who is guilty but perhaps of a single error! he seeks compassion—let us not be guilty of the crime of sending him away from gaol under the impression that his judges and task-masters are worse than himself.

But it is unnecessary to add arguments for the sound and humane discipline recommended in all gaols. Mr. Buxton's excellent work on this subject, and many others, as well as the annual reports made by the Prison Discipline Society, have rendered this task needless, though they have not as yet attained all they wish for; and I should not enter so largely on the subject, but from the probability that the magistrates and working officers of a gaol, into whose hands this book may fall, might not possess those works, and a short reference to their general arguments may thus prove useful. The conclusion that all these writers have come to is this, viz., that it is contrary to common sense, and truly injurious to society, to confine a person in gaol as a punishment, without employment, education, solitude, humane treatment, and moral government; and consequently not beneficial to the prosecutor, the prisoner, or the public.

Punishment, or rather discipline, must continue so long as the individual is not reclaimed in some degree; but to obtain this, it is clear, that it would be necessary to apportion certain treatment to each case. I am aware, that in adjusting punishment, it would be impossible for Judges in the short period of trial to discover the dispositions, tempers, talents, and habits of criminals; but it is here I would call upon the aid of a qualified governor and matron, and the discernment of an intelligent and benevolent magistracy; they would soon discover how to classify, employ, educate, and advise each individual according to his habits and disposition, and as soon almost would they effect a great alteration in his conduct. That punishment which is degrading and painful to a person of one disposition, temperament, or rank, is not so to another; surely I need not argue further on this point. I would say, then, to a governor, chaplain, or other officer anxious to perform his duty—your first business is to discover the real character of your fellow-man under your care, and treat him according to his state, without

interfering with his sentence ; you will find all the variety of habits, that are experienced in the world, such as pride and humility, obstinacy and gentleness, ignorance and education, hardened wretches and children in crime, carelessness and despondency, the man of some principle and the man devoid of it, the idle and the industrious, and, extraordinary as it may sound, the *virtuous* and the *vicious*. I say, then, let us apply the proper instruction, class, and remedy to all these varieties.

I have examined with care all the reports of the American prisons and penitentiaries from the year 1790, and the invariable object proposed by them is, reformation for the guilty and rational punishment for the refractory, and we have in these reports the testimony of an enlightened nation, that humanity, moral and religious instruction, industry, education, seclusion by night, discipline, separation of the sexes, exclusion of acquaintances from without, with a pardon to such as merit it, are the best and only true means of lessening crime in a country, or reforming our fellow-creature when committed to gaol.

In America every tried prisoner is clothed in a coarse dress, and it should be so in every gaol ; it has many advantages in the way of order and cleanliness, and, perhaps not amongst the least, it prevents the facility of escape, and is not considered as an indulgence, but a badge of discredit. If work is abundant and profitable, the prisoners should pay for their dress, as well as their food.

If the object of those who support the old system of discipline, viz. promiscuous intercourse, idleness, and a total neglect of morals, is to inflict pain, they are greatly mistaken in supposing these to be punishments to bad characters, while unreformed :—far from it ; such persons give every opposition to the modern practice, and prefer their state of apparent wretchedness to an alteration which would deprive them of their free intercourse, debauchery, and riot.

The usual objections against the plan recommended are, the expense of buildings, salaries, &c., and the difficulty of procuring profitable and suitable employment.

To the first I answer, that it would be more than repaid by the work of the prisoners, if conducted wisely ; and even if that fails, I say, that if population and crime are increasing, every country must pay for the increase of their establishments, and the system proposed would eventually lessen expense by lessening crime.

It has been said, that corporal punishments and severe penal laws would save most of the expense of subsistence and management, though few people would venture to publish a sentiment so happily exploded ; it may be well to answer it, however, independent of the humanity which dictates another course. I ask, then, would the expense be greater for feeding and managing the prisoners of a county than the loss sustained by the public in the petty thefts, plunder, and other evils suffered by those perpetrators being left at large after suffering corporal punishment, or other torture ? The loss being by *individuals* from robbery, does not alter the case, though it is less felt by the community at large ; but if the aggregate of depredations and waste perpetrated by these persons could be ascertained, it would exceed tenfold the expense of the gaol. Exclusive of this argument, corporal and sanguinary punishments have been almost universally abandoned in all countries.

To the second objection I answer, that experiment, patience, and perseverance, have invariably overcome the difficulty ; in no instance have they failed where there exists the will to provide labour ; while trades exist, they can be executed in, as well as out of gaol, exclusive of stone-breaking, the tread-wheel, and other manual labour.

If we are to credit the report of the effects produced by a sound discipline in gaol, in the neighbourhood, town, or even county where it exists, we

must yield at once to the practice, however we may at first reject the theory; and I refer with confidence to the reports of the American prisons, and also to some prisons in England and Ireland.

It is in a prison alone, and not at the time of trial, that an opportunity is afforded of distinguishing the shades of guilt and character in different criminals, and of correcting the defect inseparable from the best laws, viz. that of subjecting different degrees of guilt to the same sentence. It is for those who superintend such institutions, therefore, to classify individuals and deal with each according to character, and, in endeavouring to reform the criminal, to fulfil the highest duty of humanity:—of how great importance is it, then, that governors of gaols should be upright and enlightened men.

The characters of men are greatly diversified, but criminals in general may be divided into three classes, viz. those grown old in profligacy and vice, the young but desperate offender, and those who, retaining some sense of virtue, are in prison for a first offence, and not familiar with vice; these again may, and will be subdivided according to motives and actions, by an able and wise superintendent, and treated accordingly. But it would lead into a discussion foreign from my immediate objects, to enter further on this interesting subject, and I only mentioned it as a guide for the uninformed governors of gaols, and others who have not maturely considered the objects of prison discipline.

I cannot resist quoting here the testimony borne by the *Edinburgh Review* (so far back as the year 1815) to modern improvements in gaol discipline, as this Review, perhaps, possessed more talent and circulation than any other periodical publication ever enjoyed—it is as follows:—

“We rejoice that this excellent spirit of improvement in gaols is displaying itself in many quarters, and feel no small pride in the admirable construction and management of the county bride-

“well in Edinburgh. The noble example of the
 “county gaol at Dorchester, shows most con-
 “vincingly, that it is no idle speculation to expect
 “an essential and permanent *reformation* of num-
 “bers, when moral and religious instruction is
 “administered, when intemperance is prohibited,
 “when the different classes of prisoners are kept
 “apart from each other, and when they are all
 “furnished with regular employment, and receive
 “at least a share of the profits of their industry.”

I have considered it necessary to discuss these preliminary matters previous to treating the subject of discipline under heads, as I proposed at the commencement of this chapter, but shall now proceed with them in their order.

Tread-wheels are now in general use throughout the gaols of England and Ireland, and it may be necessary to make some observations on them.

Where the tread-wheel can be made productive of some profitable work, it has many obvious advantages in this country, especially as it provides a certain employment, which is so necessary to gaol discipline, where the increase of population, and the prejudice against admitting trades, creates so much difficulty in establishing any industry in a gaol;—it also provides an excellent punishment for incorrigible vagrants;—it secures silence, and is a positive yet rational infliction of some pain; for this reason I would wish it were confined to the sentence of re-committed criminals, or hardened persons, whose case had resisted any attempts at reformation, but I cannot think it calculated in itself to produce reform, though it will act as a terror in certain cases. A great improvement has been made in Gloucester gaol, by dividing the wheel into individual compartments, so that the prisoners cannot see each other, and when off the wheel, they are each conducted to a solitary cell adjoining, to prevent conversation; a revolving hand-rail has also been added, to keep the hands as well as the feet in motion.

With respect to solitary confinement, as a sentence by the Judge, it is not at present much resorted to, on account of its supposed severity, and the idleness it necessarily involves, precluding much hope of reformation, except from dread of the punishment perhaps;—it may be found useful in cases of great depravity, and repeated crime, but the periods should be short, and great care taken both as to health and diet; under such restrictions, and admitting communication with the chaplains, I cannot consider it cruel, though it is chiefly applicable to the worst characters, after repeated trials of a mere conciliatory nature;—it would lead to reflection at least, if not to reformation.

But whatever modes of employment are chosen, there exists no doubt on any rational mind, that a prison *should* exhibit a school of moral discipline, which, while it becomes an instrument of punishment, should also be the medium of reformation.

If the principle of reform in a prison is fundamentally sound (and I think no one can reasonably doubt it), it is one to which all practical operations in a gaol should tend, and viewing this point as settled, the following details are given chiefly with that object, without departing from the principle of lessening crime also, by the terror of punishment, and thus providing the most effectual means for the protection of society.

I propose to treat of the following matters in this chapter :

1st, Classification,	5th, Inspection,
2d, Employment,	6th, Dietary,
3d, School Instruction,	7th, Female Classes,
4th, Accommodation,	8th, Bye Laws and Order of Duty.

The subject of officers, and the inspection and superintendence of magistrates or committees, are reserved for a separate chapter.

CLASSIFICATION.

If practicable, there should be a house of correction, separated from the common gaol, in every county; the latter to contain the untried prisoners and debtors, and which should be the sheriff's prison, and the house of correction should be under the sole control of the committee of justices, or, in Ireland, the boards of superintendence.

The female prison should also be so effectually separated from either, that no communication could possibly take place.

I submit this as the most judicious mode of allocating the divisions of a county gaol; but whatever accommodation may be provided in this respect, I consider the following classification on the male side of a prison as indispensable, to avoid corruption, and give a fair trial to the system of reformation, viz.

MEN BEFORE TRIAL.	MEN UNDER SENTENCE.
1st, Misdemeanants, bad character.	5th, Misdemeanants, . . bad.
2d, Ditto, . . . better ditto.	6th, Ditto, better.
3d, Felons, . bad character.	7th, Felons, bad.
4th, Ditto, . . . better ditto.	8th, Ditto, better.
	9th, Transports.
	10th, Boys (divided in classes).

If possible, the same classification should be provided for female criminals; but with a good matron and assistants, and a visiting committee of ladies, this division may with safety be much curtailed, according to circumstances, especially as the number of females committed are comparatively few in most counties, and their habits in general admit of more intercourse with each other, if under judicious restrictions.

The following classes should also be provided in a well regulated prison :

- 1st, King's Evidence,
- 2d, Men sentenced to Death,
- 3d, Criminal Lunatics (till otherwise provided for),
- 4th, Prisoners on their reception (till classed),
- 5th, Solitary Cells,
- 6th, Debtors, in two classes.

Should the law provide for an additional solitary punishment for re-committed prisoners (which may be worthy of consideration), the accommodation for solitary confinement should be increased. I have known this mode of punishment practised by the magistrates in a large town with good effect, where prisoners were committed and tried a third time.

But it is right here to remark, that there is a division still more important than these, viz. a division into smaller numbers than are generally together in classes;—I have witnessed in some instances from forty to seventy in a class, with one yard and day-room only. I am sensible that extreme cases may occasionally occur, which no accommodation can provide for, and such cases must be submitted to; but I allude to a more common occurrence, and think it only right to bear testimony to the evil of it, and to state, that any classification of offences, when such numbers congregate together in one class, is to a certain degree useless: it must produce evil, and prevent reformation. I should say twenty is the largest number that should in all common cases be assembled together, and that there should be a turnkey to each class, who should have the charge and responsibility of it.

It is most important also to separate the youths from adults; in a short time very young delinquents outgrow early associations and companions, and emulate each other in industry and morality; at no period of life can good or evil impressions so readily be made;—the young peculiarly claim the sympathy of the nation, and if some public work could be offered to them, after their release, at even half the value of their labour, it would provide for them, while it would be economy to the Government.

The anxious care which the prison societies in England, America, and on the continent have given to the subject of managing young delinquents,

makes it necessary that I should say something about this class, in order to show the necessity of providing for a totally different discipline with respect to them.

Without entering into the causes, it is obvious that crime is increasing among the children of the poor, and that mere punishment will not remedy the evil. National education, moral and religious, would be the effectual cure, and until we follow the example of Scotland in this respect, by making the education of the poor a direct object of legislative provision, our duty is to adopt the principle so long as young offenders are in custody. I am sensible of the difficulty of the subject, but I am equally satisfied that the juvenile class in prison, should form a good school for moral and religious instruction, and that thence they should be sent to another county or country, with consent of their parents, to earn their bread, and, if possible, pay the expense of their education and trade ;—but this is too important a subject to be handled in a cursory manner, I only submit at present, that the managers of any prison may and ought to provide amply for education in this class, and that an able governor will best prove his qualifications by conducting this important department, and arranging the discipline so as to secure reformation, which is not only possible, but almost certain, at that age, if time be allowed for the amendment.

Doubtless a separate prison for such young criminals is the best plan, as they are more subjects for education than punishment ; but we must make the best out of bad materials, and much may be done by willing and intelligent minds in the prisons we possess. It is quite marvellous what a change takes place in a young person in the training of a well conducted school, and how easily his tender and unsettled mind is fixed on what is right, as well as what is wrong ; so strongly is this view impressed on my mind, that I consider a national provision for the education of all pauper children,

male and female, would be a wise and economical measure.

There are excellent regulations for the management of juvenile prisoners, in the Eighth Report of the London Prison Discipline Society, page 210.

It has been a constant source of regret to those who visit our gaol establishments, to see youths of fourteen years of age and upwards, spending the best periods of their lives among felons, without hope or means of reform.

The policy of keeping juvenile delinquents separate from felons is obvious ;—they need not severe punishment, nor would it mend them—they require education—they have not in general inveterate habits to remove—their characters are not formed—their parents have neglected them, and they probably are the victims of temptations from poverty and want: let us then endeavour to restore them to society ;—if this is zealously set about, three-fourths of them would become good citizens. The punishment which is suited to the totally abandoned, would not even have a tendency to amend youth—their prisons should be schools of instruction, under strict discipline, where the means of earning their bread in future should be taught, and moral with religious principles inculcated ;—this may be ridiculed by some, but let them recollect, that it is, in most cases, the want of the education I recommend that has caused such youths falling victims to early crime ;—if such a discipline fails, every attempt at reformation is useless.

I would recommend that classification, and separate cells at night, should not be dispensed with for juvenile offenders ; they are necessary to health and morals, and I by no means wish that they should feel themselves free from that restraint which the law had adjudged for their crimes.

I cannot admit that there is any increased expense in the proposed plan—as such persons must be fed in gaol under any circumstances ; but should reformation in their characters and future conduct be

obtained, the aggregate saving to the nation would be incalculable, by diminishing crime, and augmenting industry.

There is another class of offenders that should be kept separate from each other, and under a more rigid system of discipline, viz. the re-committed persons, especially if they had undergone a fair trial of the reformatory discipline. Their presence is a great obstacle to the reform of others; justice requires that a severer discipline should replace that which in vain sought their reformation, and privations should be imposed on those whose depravity resists every other method:—I conceive these are peculiarly fit subjects for the tread-wheel, and being kept in their cells at all other periods; yet I would not lose all hope of their restoration, by means of the exhortations and instructions of the chaplains and governor.

All other classification must depend on the direction of the visiting justices, but I would recommend the power to be given to them to occasionally remove persons committed for trifling crimes, to the felons' class, if they should be well known old offenders, and, on the other hand, to remove felons, if young and penitent, to the misdemeanants' class.

Classification is of such vital importance in all prisons and pauper establishments, that I believe it would tend to the moral improvement of the nation at large, if all houses of industry were built so as to reserve a cell for each pauper at night, and such arrangements for his work and instruction by day, as to prevent intercourse of any kind, except amongst the very aged and infirm, and that under some restrictions. The sights generally exhibited in houses of industry and poor-houses in England and Ireland, are very discreditable, and often disgusting, and this arising from filth, idleness, and free intercourse even amongst the sexes.

This is, I admit, not a part of my immediate subject, but I cannot resist throwing out the hint

for consideration; the expense of building cells would possibly be repaid by profitable labour, and certainly it would be greatly overbalanced by the numbers who would decline a voluntary refuge, where discipline, order, and seclusion, were enforced. I would recommend the system, and frequent inspection, even as a matter of economy in every poor-house in the kingdom;—the value of such a system cannot be sufficiently estimated, and, if once tried, would be adopted every where;—the drunken and vicious poor would be restrained, and often reformed, and their children would be educated; whereas, when they are crowded together in a common building, obscenity and every species of corruption will prevail, notwithstanding the exertions of the overseers, and the authority of the magistracy. It would be found on inquiry, that there is more similarity between the poor-houses and gaols in all countries than is generally supposed, and, were it expedient, it would not be difficult to prove the existence of such corruption and vice in some poor-houses, as would demand a remedy, and show from whence our gaols are filled:—I trust some benevolent society will take up the subject, and visit unexpectedly a number of those receptacles of pauperism and schools of vice, and correct the evil by reforming it.

The want of room to classify prisoners, and prevent intercourse during the day or night, was the cause assigned by the committee at New York for the temporary failure of the penitentiary system in the United States, as it defeated every attempt at discipline and organization, and gave free indulgence to all the passions and inclinations of the criminals. If the most obdurate and hardened offenders are to be daily and nightly companions of offenders of a minor grade, or if these classes are permitted to converse freely together, is it rational to expect reform under these circumstances? or is it any wonder that such a system should fail? Even before men violate the law, is it not common to

trace the ruin of many to vicious associates? and surely such companions must be still worse in a prison, where you cannot escape contamination:—without classification and a sound system of non-intercourse day and night, confinement in a gaol has a direct tendency to promote crime.

Few will be bold enough to deny, that amongst the inmates of our prisons there are many who have been decently brought up, whose desire for the respect of their fellow man is not entirely given up, and whose good feelings and self esteem are not quite extinguished; some of whom may possess kind dispositions, easily worked upon by proper discipline, and surely we ought not to reject an opportunity of reclaiming such, and I would only ask, is it a rational way to do this, to send them to gaol to mix freely with criminals of every grade? No! it is too obvious (to need further comment), that a prison, where free intercourse exists, and minute classification is unattended to, can only be a fertile source of the most pernicious crimes, and productive rather of pleasure, than pain or punishment to the inmates:—the young are advanced in guilt, the old are hardened, morality is abandoned, and conscience blunted.

EMPLOYMENT.

Mr. Howard states, that the employment of criminals at labour of various kinds had been practised on the continent, in many large towns, long before it was used in England. In 1775, he gives an account of the work at Amsterdam, Rotterdam, Delft, Ghent, &c. &c. The men were employed generally in washing logwood, picking ropes for oakum, carding wool, making fishing-nets, sorting coffee, and weaving—exclusive of shoe-making, tailors' work, and other trades;—the females in manufacturing worsted, carding, knitting stockings,

spinning, needle-work, and washing. To Mr. Howard's excellent work I must refer for details those who wish to look more deeply into the subject. He states, that the prisoners' accounts were regularly kept, and a share of the profits paid to them on leaving the gaol, and that excellent rules were in force to secure order, and promote good morals, as well as to render the prisoners in future useful to society. He further states, that at one time the manufacture and other work was suspended at Ghent, under the idea that it interfered with the regular trades, and thus injured the state, but it was soon after recommenced, and as this objection is often raised in England and Ireland, it may be well here to endeavour to remove so injurious a prejudice.

It is quite evident, that unless you decide on giving up all criminals to famine, disease, and idleness, they must either support themselves, or be supported by the labour of others in the way of taxation:—I would ask, then, how can it affect the regular traders whether a man works for his maintenance in or out of a prison? Is it not far better that prisoners should by industry pay for their diet, than that the country should be taxed to keep them in idleness? and though I admit, that revenue is only a secondary consideration in gaol discipline, and must always be subservient to it, if punishment and reformation are ever to be accomplished, yet, when practicable, it is to be looked to, especially as it involves the principle of instructing prisoners in a mode of earning their bread hereafter. A criminal restored to his friends and society, and earning his bread by industry, is a positive gain to the public; whereas, if he returns from gaol as vicious as he entered it, he becomes a great burthen and expense to society, his future depredations, and the expense of prosecuting him, is a dead weight on the county, while the possible evil of increasing competition amongst the class of tradesmen, by giving criminals employment, can be obviated (if

it exists at all) by selecting such trades as are not common in the county, or such manufacture as can be sold in a distant market.

If it be true that "idleness is the parent of vice," it more especially applies to the inmates of a gaol, and must promote the evil, as the prisoners are already habituated to vice; constant occupation, then, is the first step to be pursued in a course of gaol discipline: it gives a habit of industry, a mode of livelihood hereafter, and possibly a saving of expense to the county.

As to the modes of employment, I am not aware that any trade may not be admitted into a prison under good regulations, as an encouragement to industry, and I am quite satisfied that a share of the earnings should generally be given to the prisoner, restricted by the magistrates as to time of payment, but in most cases to be paid on being discharged, and never to be expended in providing extra diet in gaol.

The chief defects in all the prisons of the continent (as stated by Mr. Howard, and others), were, the want of accommodation for work, and separate sleeping cells; and they state, that whenever industry failed to produce amendment, it was to be attributed to the labour being enforced as a punishment, instead of being undertaken and rewarded, as one of the means of producing industrious habits and a reformed life. The good effects derived from encouragement to labour have been evinced in many gaols—the prisoners receiving a portion of their industry as a stimulus. At Preston and Liverpool prisons this plan has been adopted for many years, and the modes of employment, independent of trades, are such as the local situation affords to the magistracy.

It is of course understood that prisoners sentenced, especially to the tread-wheel, should receive no share of the profits, even were there any.

When I speak of *voluntary* labour, I only mean to distinguish it from that work which is unwill-

lingly performed, such as the tread-wheel, or any unprofitable employment. Every tried prisoner should be obliged to work, however indisposed to do so, if it were only to refund the county the expense of his food, &c., and which the law enjoins; but when this labour becomes voluntary, by the encouragement given to it, by sharing in the profits, I consider that it has a tendency to reform the habits, and to accustom the mind to reflection, while it in no way interferes with the discipline and regularity in other respects, and the profits are so trifling as to become no encouragement to think lightly of confinement.

The untried prisoners and debtors cannot be compelled to work, unless fed by the county; but if encouraged, they will be found generally willing to do so. Those who are fed are obliged by the Irish Gaol Act to perform any reasonable work to reimburse the county funds, and no difficulty whatever has arisen in inducing them to do so willingly, even where no profit has been made:—in fact, in a gaol where discipline and classification are maintained, where silence is required, and a solitary cell at night provided, as well for the untried as the tried, the prisoners would rather prefer employment to silent idleness, and thus the steady discipline of a gaol would encourage industry and order.

In Preston house of correction in Lancashire, and other prisons where work has been provided for all the inmates, much of the expenses are repaid to the county, and practical proof has been given, by the reduced number of re-committals, that giving to prisoners a share of the profits, and other kind treatment, when conducted under a sound system of discipline, has no tendency to increase crime, or make a gaol desirable.

The tedium of idleness and non-intercourse, and the stimulus of receiving a share of the earnings, will prove a sufficient persuasion to the untried and debtors to apply themselves to industry; but the

tried prisoners should also receive a proportion of their earnings. The quantity in each case may be safely left to the decision of the magistrates and boards of superintendence, once admitting the principle, that a motive to industry is necessary, if we are to encourage reformation, and that forced labour without profit is rather calculated to excite feelings of anger.

It may further be observed, that the benefit to be expected from industry, will greatly depend on convenient work-rooms and sheds being provided, where the prisoners can with order pursue their work under due inspection, with a reasonable number together; this I consider preferable to separate and solitary work, provided no social converse is admitted;—it produces greater spirit and cheerfulness, devoid of amusement or familiarity. Continual seclusion, by day and night, is excellent and all-powerful, as a punishment for incorrigible characters, for bad conduct in gaol, refusing to work, &c.; but, as an habitual gaol system for all, it would damp exertion, and may possibly be prejudicial to mind and body;—society, properly regulated, is almost indispensable to moral improvement; it creates emulation, and promotes obedience and good dispositions; it also enables a governor, or matron, to form from observation, a just judgment of the improvement of individuals, which can only be taken on the word of a person in solitary confinement.

The quantity of work performed, though of importance, is a minor consideration, when compared with the benefit to be derived by impressing on the mind of the prisoner, the advantages to be gained by industry, and a continuance in that course hereafter; and to obtain this, appropriate indulgence may with judgment be given to those whose diligence and good conduct merit it.

The indolent criminal certainly has a hatred to labour; he knows not the pleasure that arises to the industrious from success and independence of mind,

and from his gains providing him with enjoyment. The duty of a governor would be to convince his prisoner of this, which can never be done by merely compulsory work, without hope of earning ;—such is the case of the negro slaves, and the cause of their unimproved condition.

The best means, humanly speaking, of lessening the temptation to crime, is to infuse a spirit of industry, and thereby proving to an individual that he may do that by honest means and without danger, which he has been taught by his companions, if not his parents, to do by unlawful means, with considerable danger to himself here and hereafter : this spirit of industry can only be excited, in general, by emulation, and a hope, or certainty of gain ;—I consider it, therefore, indispensable, that a prisoner should receive a share of his earnings on leaving the prison ; it is but justice, that exertion should be remunerated ; it is gain also to the public, instead of loss. The prisoner should pay for his food from his labour ; and, if possible, something to those whom he had plundered ; if he did the latter willingly, it would be a tolerable proof of reformation. By the Act 22d. Geo. III. ch. 64. (since, I believe, repealed), prisoners were entitled in England to half their clear earnings ; and by the 7th Geo. IV. ch. 74., those in Ireland are entitled to one-third, but in neither country has the law been strictly attended to ; generally speaking, sufficient work is not provided, and when it is, the profits, if any, are trifling ; the difficulty of procuring convenient and appropriate work is very great, but if the importance and propriety of it is admitted by the committees of magistrates and boards, the difficulty can, doubtless, be overcome ; local circumstances often afford opportunities, and where these fail, I would not hesitate to introduce the common trades throughout the prison, such as shoe-making, and weaving :—I have elsewhere shown the fallacy of the objection, that such employment is injurious to the trader without the walls of the prison.

In most of the Irish prisons, stone-breaking for the roads is the employment in the absence of more profitable work ; and that species of labour is very generally established ; but I would prefer an occupation or trade that would be more useful to the individual hereafter ; and if the general prejudice against trades in gaol was abandoned, and every prisoner whose confinement exceeded one month was taught to work, and encouraged to do so by fair profits, I should not be surprised to see in many prisons, that the inmates would support themselves, free of any charge to the county.

In the American prisons the following trades are taught, and carried on with profit :—

Weaving,	Net-making,	Hat-making,
Brush-making,	Sawing and polishing	Wick-making,
Tanners,	marble,	Braziers,
Coopers,	Harness-makers,	Masons,
Blacksmiths,	Dyers,	Glovers.
Tailors,	Stocking-weavers,	
Painters,	Whitesmiths,	
Carpenters,	Trunk-makers,	
Carding,	Sawyers,	WORK, NOT TRADES.
Spinning,	Lime-burners,	Labourers,
Whip-making,	Bakers,	Stone-breakers,
Shoe-making,	Straw plait	Oakum-pickers,
Basket-making,	Pin-making,	Pounding flax.

I do not mean to assert that it is easy to find suitable employment for so many persons as are generally congregated in a prison ; the subject requires prudence and forethought ; regard must be had to that work which requires least capital, which is most productive, and most consistent with health and security ; but these difficulties, were they greater than they are, will vanish before a steady perseverance, and the local knowledge of country gentlemen will discover means which the circumstances of each county may suggest, but which, it is beyond my power to originate ;—in any case, all will admit, that idleness is inadmissible in a gaol, and that nothing is more discreditable

and mischievous than to see prisoners promiscuously moving about in a yard, or assembled in groups, plotting crime. In the improved prisons in America, all is order and silence, and nothing to be heard but the sounds of industry; no free intercourse, or common conversation allowed, and nothing short of this can unite the great objects of imprisonment, viz. rational punishment, and reformation.

In Boston (America) the prisoners have been for a long time employed in breaking stones to macadamize the streets, with benefit to all concerned; the same system has been practised for years at the house of correction at Belfast, and I cannot discover any real difficulty which could not be finally got over, in providing this work in these prisons in which other employment cannot conveniently be obtained.

When a prisoner is sentenced to hard labour, the law should be enforced; he should be put to, and kept at such work, without relaxation or favour; it is not uncommon in many gaols in both kingdoms, to see hard-labour prisoners permitted to sweep rooms and yards, to act as wardsmen, cooks, &c. as a substitute for hard labour; this is a discretion the law never intended should be given to governors, or any person;—by such means the certainty of punishment is destroyed and impaired, and pernicious comparisons are made; idleness cannot safely be permitted in any case, but especially to those under a sentence to labour.

In the absence of productive employment of a severe nature, the tread-wheel is ready to supply the place for those under the sentence, and it is a valuable acquisition, (as I have stated in page 21,) for re-committed or incorrigible vagrants; but in all other cases I would prefer profitable work, and such as will be calculated to enable the criminals to earn their bread, when their time expires.

SCHOOL INSTRUCTION.

It has been argued by some persons, that it would be better for the community, that the lower order of people should not be taught to read or write, or to understand the first rules of arithmetic. It is not my object to contend with such persons:— I shall only say, I cannot agree with them, and I believe I am supported in my opinion by the great mass of thinking people in every country and every age, where freedom of thought has been permitted. It is not reasonable to argue against any thing from its abuse; and I know not how the boasted advantages of our free Constitution, that “the door is open to the poorest to advance himself in life,” can be realised, if the principle of our institutions is to discourage the means, by doing all that in us lies to prevent the increase of knowledge, and to keep the people in ignorance.

Experience, besides, has proved, that peace, obedience to the laws, improvement, and good order, have invariably followed general education, of which Scotland affords a remarkable proof.

I shall then take it as admitted, that every nation is bound to encourage the education of its inhabitants, and consequently, if for the public good, we take away the liberty of some, we are specially bound to make that privation as beneficial as possible to the public and the individual.

Prisoners have also another peculiar claim, they have been often, above all others, deprived when out of gaol, of the advantage of education; their crimes and ignorance have marked them out, for the most part, as the manifest offspring of parents who have neglected them in their infancy, and never took advantage of the adequate provision often made by the law for public and national instruction; how much stronger then does the appeal come home to us, to instruct them when we

have the power to enforce it, as it is admitted to be a powerful aid to moral reform?

Many prisoners, without doubt, have never had an opportunity of gaining instruction at a public school, and surely we are bound to remedy this evil during the period a prisoner is in confinement. The able author of "*The Police of London*," has placed this in a strong point of view, and recommends school instruction in all institutions.

I do not pretend to say, that teaching to read is an antidote against crime, but I assert, it is, as far as human means are concerned, when connected with moral and religious instruction, a powerful remedy against a wicked course of life; so long as sin exists criminals will be found amongst educated as well as amongst ignorant men; but if knowledge has a tendency to promote good feelings, honesty, and sobriety, surely we should not argue against education; the most ignorant are generally the most hardened criminals.

To detail the mode of complying with the law of the land, and of humanity, in this instance, is my next duty. The usual method is, by the county employing a school-master, who proceeds successively to each class for an hour, or in some gaols collects numbers together in a room for the purpose. Both these ways are objectionable, where industry composes (as it should) a leading part of the gaol discipline, as it stops the regular labour at irregular hours, unless conducted with great care, and even then it creates a complication of movements, and some confusion. I would prefer, both for economy of time and money, that each turnkey should instruct his own class, and that, at a given hour for all each day. This plan originated with the intelligent and zealous board of superintendence of the county of Cork; and, if the turnkeys are well chosen and inspected in their duty, it is the best plan I am acquainted with. Should it generally fail from want of qualification in the turnkeys, a school-master must be resorted to, and if there is permanent

industry going on in a prison, he could probably arrange, that school instruction should go on at the same hour for all, by establishing the system of monitors, and taking advantage of the knowledge of any well-conducted criminal in each class to instruct the rest, under his own direction and occasional visits.

A well-constructed return should be kept in the gaol, of this part of the discipline, containing the names and progress of the individuals, the information they possessed on coming in, and leaving the prison, and the period they were confined.

The receiving of instruction should be imperative, and refusing to learn, being a breach of rule, would subject the prisoner to remain in his cell, as a mark of his unfitness to associate with the diligent, as well as to prevent idleness during school hours;—however, if education is well managed, there will be few instances of refusal, and those would rather argue want of good government than obstinacy in the prisoner. It is impossible to conceive, or to appreciate sufficiently, the facilities school instruction gives to prisoners to better their condition on returning to society, while the ignorant and unlettered can only return to hard and manual labour. I doubt much if any discipline in a prison is more calculated to reclaim the criminal, than a well managed school; if classification, and constant inspection, are added to employment and education, there is no reason to prevent the inmates of even a hulk becoming reformed characters, though from the nature of their former conduct, more time may be required to make any impression.

The Sunday School should have a prominent place in all gaols—it is otherwise a day of idleness, except during divine service; most of the day should be occupied in reading and receiving instruction, and I see no objection to admit on that day, as teachers, such persons in the place or town as may be willing to assist the chaplains—such is the practice in America.

BUILDINGS AND ACCOMMODATION.

IN giving some hints on this important subject, it would be unnecessary to discuss what may appear to be the best architecture for a prison; this has been ably performed by the society in London, and the subject is still open for improvement. Many of the gaols, houses of correction, &c., in England and Scotland, have been lately erected, and almost all in Ireland with a view to modern improvements, and it would be unreasonable to expect them to be altered with every change of opinion.

The principal object in a prison is a sufficiency of room for minute classification; this may be attained without much expense, by additions to old buildings, in which accuracy of plan must be dispensed with, and additional sheds for work and sleeping cells must be often placed without the desirable locality for inspection, and I confess I prefer the inspection arising from the continual presence of a turnkey with each class, to the supposed inspection of a governor from his gallery, or his sitting-room; I do not undervalue the latter, but I value the former far above it, and I speak from observation and experience.

Prisons need not be expensive on account of architecture or beauty; the great objects are sufficient divisions and cells, with work-rooms, yards, good air and ventilation, and an abundant supply of water, with as much capacity for inspection as the nature of the building will admit without increasing expense.

It appears from the American reports of their penitentiaries, that they succeeded in every respect so long as sufficient room was provided to separate and classify the convicts by day and night, and the benevolent managers and governors chiefly attributed their success to the vigilance of the keepers, in preventing social intercourse by day, and by the accommodation of a single cell for each

convict at night. The best effects were produced by this arrangement in 1795, but in 1817, the report admits an alteration, and indeed a failure, in the following words: "The crowded state of the penitentiary has become an evil of considerable magnitude; so many are crowded together in a small space, that the institution already begins to assume the character of an European prison, and a seminary for every vice, in which the unfortunate being, who commits a first offence, and knows none of the acts of methodising villainy, can scarcely avoid the contamination which leads to extreme depravity." Such, and for the same reasons, was the reported state of the penitentiaries of Philadelphia, Pennsylvania, and New York. I understand these evils have been since remedied throughout the states of this enlightened republic.

In the late report on the French prisons, by the Minister of the Interior, it is also stated, that by the increase of *accommodation* the mortality had *decreased one half*. This is an appalling circumstance, as it is an admission that numbers had died from the over-crowded state of the prisons.

The general accommodation required in a prison is as follows:—

Governor's apartments, well situated for inspection.

Turnkeys' do. do. do.

A separate hospital for each sex,

Chapel, divided for the classes,

School-room,

General kitchen for cooking all gaol provisions,

Tread-wheel,

Separate female prison,

Matron's apartments in do.,

Wash-house and laundry attached to do.,

Day-room and yard, for each class, male and female,

Work-room and sheds for labour in each yard,

A separate sleeping-cell for every prisoner,

Store-rooms for straw, fuel, clothes, materials, &c.

The increase of crime, which has called for increased room, must not in fairness be attributed to the cause of a milder plan of punishment being less

efficacious than the severe and sanguinary system pursued by our ancestors, for it has been proved beyond all doubt, and admitted by Sir W. Blackstone, Sir S. Romilly, Mr. Eden, Beccaria, and all the writers on penal jurisprudence, that a severe code of laws has never yet lessened crime in any country, and the same principle applies to extreme severity of prison discipline; indeed the debauchery of our dungeons and gaols in former days, tended to increase crime, but the real causes of increase of crime are, the growing population and wealth of the country, and the luxury and corruption of manners and habits, which seem necessarily to follow in the train of civilization and prosperity, and this corruption is further increased by the want of accommodation to classify crime in our gaols; without this, and the necessary discipline that follows, a prison utterly ceases to be an object of terror.

It would be difficult to institute any fair and conclusive comparison between crime under the old and new systems. Population has increased rapidly, and, even taking *that* circumstance into such a calculation, it would not be accurate, as crime and population do not always bear the same proportion to each other; the density of the latter influences the former in a much higher degree, as must be obvious from the increased intercourse, temptation, poverty, and misery which abounds as society draws closer together.

But my duty here, is not to account for the increase of crime; I wish merely to state, that it is absolutely necessary, to any thing like success in punishing crime and reforming the criminal, that sufficient accommodation should be provided, and it is peculiarly essential, that every prisoner shall pass the night in a solitary cell, even when they are employed during the day at work together; the hours of the night should be devoted to reflection, in solitude and darkness, which would lead many to consider and appreciate the value of a

moral life ; and, even if it failed in this, it would act as some punishment, would prevent contamination, and possibly bring some agony and remorse to a guilty conscience.

INSPECTION.

IT is stated in the report of the Commissioners of Inquiry into the state of Philadelphia and New York prisons, that "Constant employment and school instruction are ineffectual for the reformation of criminals, unless they are also prevented from intercourse with each other." Social intercourse uncontrolled, amongst such, must counteract discipline and cherish corruption ; in proportion as any establishment permits it, it will fail in the ultimate object of punishment and reformation. This intercourse can only be prevented or regulated by inspection, and I consider it of vital importance to gaol discipline, that a turnkey should be allocated to each class, to remain with them at all times, to superintend their work, schools, and morals, be responsible for the conduct of every individual, and one of his chief duties should be to prevent intercourse amongst the prisoners beyond the necessary avocations they are employed in. Local circumstances, and the character of individuals, may possibly permit this duty being sometimes performed by well chosen monitors from the class, and thus economy be produced ; but in whatever way it is effected, the duty is absolutely necessary ; and I apprehend the employing of paid and responsible officers, is the safest mode of securing the duty being performed.

To the governor and his deputy we must look for that universal oversight of every department, on which will depend the well-being of the entire system, and, where practicable, it is very desirable he should possess considerable means of inspection from his apartments ; however, it is his presence

that will give life to every movement, and confidence to every individual, and thus prevent the necessity of the correction of evils.

All other officers in a prison will, of course, consider themselves as giving aid to the general inspection, and in their movements through their various avocations, consider themselves also bound to notice and remark upon every deviation from the rules of the prison.

DIETARY.

THIS part of prison discipline has been settled by an Act of Parliament for Ireland, which is now universally acted upon there, and this system has produced great economy, as well as good order and cleanliness in every gaol; but, as the English Act does not fully provide for uniformity, I feel it incumbent on me not to pass over the subject in silence.

There should be in every gaol and house of correction, a regular dietary, and this should be, if possible, the same in every prison, for all those who are supported by the public; without this, much confusion, filth and extravagance will arise; the only deviation from this diet should be for those in the hospital, or under punishment for breach of the regulations of the prison.

All prisoners who support themselves should be subject to certain restrictions:—spirituous liquors should be excluded; the food should be brought in cooked, or if not, prepared for them in the public kitchen, to preserve cleanliness and order; their provisions should be received at fixed hours, and they should be obliged to eat their meals at the same hours with others of their class.

Nothing can be more injurious to discipline than the practice in some prisons in England, of suffering sentenced criminals, who possess money, to purchase what food they please, and, in some degree,

thus to live in luxury; a gaol should be a place of privation, the recollection of it should be painful; but, if men can live idly and plentifully in a clean well-aired apartment, is it any wonder that they set the law at defiance, and are careless, if not desirous of confinement? All the evidence before the House of Commons, in 1819, goes to prove, that idleness, good diet in gaols, and destitution on discharge, produced the frequent re-committals and increased crime. It is a mockery of punishment to admit idleness and too good a diet to criminals, and it must end in the law being broken with impunity.

Restriction in diet is still more necessary, on account of the impossibility to avoid making a prison in some respects more comfortable than a culprit's home;—it is inevitably cleaner, better ventilated, and warmer. The means then of making a prison disagreeable are not to be neglected, and of these none are more powerful than humble diet and constant employment. The variety of diets in England, from bread only, to meat, and even beer, does incalculable mischief; and the practice of giving money to prisoners to purchase their food, is still worse; the expense also is equally variable, being in some gaols only three-pence per day, and in others so high as ten-pence.

It may appear trifling to attach the consequence I do to the details of this and other arrangements in a prison, but those who examine the subject will discover at once the confusion that arises from any, however trifling, part of the machinery being out of order; only allow the hours for meals to be infringed upon, and it at once interferes with employment and instruction, and if you admit a variety of diet, you open a door for comparison, and even a choice of prisons. Exclusive of this, how much money is wasted by over-feeding in some counties, and possibly how much severity exercised in others, by giving too little. Uniformity in the diet provided by the public having been settled by law in

Ireland, I would strongly recommend a similar law in England; no practical difficulty has arisen in establishing it, and none but those who have witnessed it can imagine the benefit which has arisen. Every prisoner in the county knows his rights, and experiences no indulgence in one prison above another; the classes are marched to their meals at the given hour, grace is said, and they proceed in silence to their work, in all the well regulated gaols.

It is of importance at the meal hours, as well as all others, that the turnkey should remain with his class, and preserve perfect order, silence, and decorum. In some of the American prisons, the criminals are marched past the public kitchen; each is handed his food, and proceeds in silence to his cell, and eats it alone, which may be practised with advantage, at least with the hard labour or worst classes. No exchange of food should be allowed; and each meal should be eaten in the presence of an officer.

If the discipline of a prison is to be made effectual, it must not hold out any attraction in the way of comfort to the idle and abandoned; its inmates must not be better fed, clothed, or accommodated, than they were out of gaol; it must have nothing pleasant, or inviting, to such characters; and I know of nothing more calculated to secure these objects, than a coarse, but sufficient diet, uniformly given in every prison in the kingdom; taking care, that these sentenced to hard labour and the treadmill, should have their strength supported by more nutritive food than those who were not so employed.

FEMALE CLASSES.

HAVING, in another chapter, made some remarks on this important part of prison discipline, I shall here give some details of what appears to me to be the peculiar duty of female officers, and the objects

to be obtained by establishing a strict and sound system in that class:—

The due qualification of the matron, is a matter of vital importance; she should be steady, well-tempered, and patient; capable of giving instruction in reading, writing, and plain work of all kinds, as well as in the duty of the laundry, and of keeping the account of the work; she should be zealous in the cause she undertakes, keeping a strict watch over her own conduct to the prisoners; her dignified deportment should keep alive in their minds, that they are under punishment; while, at the same time, by judicious and benevolent advice, and kind treatment, they will look upon her as a friend, and one who is anxious for their welfare;—she should be capable, from her experience and knowledge of human nature, to discover the character and disposition of each individual under her care; and to turn this to advantage in her moral government of them, she should be anxious to follow them beyond the precincts of the gaol, and, when liberated, to endeavour to discover their mode of life, and to give an account to the magistrates of the effects of the discipline.

Her entire time, from rising to lock-up hours, must be devoted to her charge.

She is responsible for moral conduct and discipline in the gaol; she will have to instruct the prisoners in reading and writing, if required.

To cut out and direct their work.

To be present at all meals, and see perfect order observed.

To procure work, (if not otherwise provided.)

To keep an accurate account of all work of the prisoners, as well as the county profits.

To take charge of all bedding and furniture, and see the inmates kept clean and decently dressed.

To see that each prisoner receives a share of her earnings.

To see the business of the laundry regularly attended to.

To regulate the hours for all the arrangements of the day, so that every moment shall be occupied.

To read at stated hours to the prisoners, and endeavour to instil moral and religious instruction, without interfering with the peculiar duties of the chaplains.

To attend to all the prison rules established by authority; and, finally, to see that her female assistants (if any) attend, in every particular, to her instructions, and the prison rules; and never to suffer visitors, male or female, or other gaol officers, to come into this class, without her presence and proper authority for being there.

To possess a perfect female prison, productive of all the good that may be expected, I should say—that the classification and general order ought to be the same as I have proposed for the male side; but, as I am aware that in most county gaols the numbers of females are comparatively small, often not exceeding from ten to twenty, and the accommodation very confined, it will become the duty of the matron, to class them more according to character and conduct, than crime; and, from the peculiar disposition of the female sex, I think perfect classification of less consequence, as they are ever more inclined, when under the good care and discipline of a prudent matron, to receive with gentleness and thankfulness the instructions and kindly treatment of their officers or superiors.

It has been truly said of the female sex, that so long as they preserve the honor and dignity so peculiar to them, they are the best supporters of virtue, and of all that is right in society; but, when depraved, they become the greatest promoters of vice. This arises much from the great barrier which is raised against their re-admission into society. Perhaps one of the great objects of ladies' associations should be to obtain places and employment for the reformed female prisoners; and from the well-authenticated reports from various associations, the most happy results have arisen from

the establishment of asylums for destitute females discharged from prison.

My experience is chiefly derived from the gaols in Ireland; and, though we do not possess distinct houses of correction, and are entirely dependent on the discipline of the county gaol, for the moral system proposed, yet I can bear ample testimony, not only to the effect of the plan, as it respects order, cleanliness, and decorum, but to the actual moral improvement and reformation of many individuals. I am not aware of a single instance of want of gratitude and good feeling on the part of the prisoners, as well as a readiness to receive instruction; and it is ascertained beyond all doubt that the system of discipline and management proposed, has had no tendency to encourage re-committals.

BY-LAWS, REGULATIONS, AND ORDER OF DUTY.

A COMPREHENSIVE system of by-laws should be framed for every gaol, printed and circulated widely through the county. It creates a general intelligence and interest on the subject; establishes a rule for every thing, and enables every officer to know his duty. Such by-laws, sanctioned by the proper authority, are necessary also in order to render the regulations legal and give them that power without which obedience cannot be enforced.

Every code of prison regulations or by-laws should contain a table of duties, to be posted conspicuously in the prison, by which the whole routine should be strictly regulated, from rising till the hour of locking up; any deviation from this routine will create confusion: the particular time for every duty should therefore be determined, and the hour marked by a bell or clock. On accuracy in these apparently minor things, the whole machine

depends: if one (even apparently most unimportant) is put out of order, or misplaced, the movement of the whole is embarrassed, if not destroyed.

The hours for rising, and mode of cleansing the cells, should be punctually defined, and the duty inspected. The classes should be then called over, and conducted in silence to their work, and should be moved to and from their meals in the same order, attended by a turnkey; the hours for school, recreation in the yards, and locking up, should all be fixed, and the duty conducted on the same principles.

The hours and days for seeing the friends of prisoners, (if permitted); the arrangements for cooking, for the laundry, for worship, for the hospital, and for the tread-wheel, should all be included in the details: these rules are subject to alteration by the competent authorities; but should never be so at the discretion, or for the convenience, of individuals.

Too much attention cannot be paid to the cleanliness of a prison. I have no doubt but it possesses a moral influence on the character and the mind, no less than in promoting the health of the prisoners. It is the remark of all persons of observation, that if you enter a cottage in which cleanliness and neatness prevail, you are at once impressed with the idea of the good character and habits of the inmates.

I am quite aware that the first and indispensable duty of the governor and all his assistants is, to see that the law is strictly enforced in its letter and spirit, and with that principle in view I have endeavoured in the chapter on the Practical Management of Prisons, to treat the details by which it can and ought to be enforced: but I wish here rather to show that there is a conscientious demand on the more and good feeling of officers to improve the

CHAPTER III.

ON THE DUTY OF THE OFFICERS OF A PRISON.

It must be obvious to all those who consider the subject of prison discipline, that legislative regulations alone cannot ever accomplish the great improvements proposed; and that the success of the system will greatly depend on the vigilance, zeal, and qualifications of the inspectors and governors, and other officers who are employed, as well as the systematic attention and control of the justices or boards of superintendence. A good law may be so badly administered by an unqualified and vindictive governor, as to render it a dead letter, or worse; much will depend then on the character, disposition, and capacity of the officers of a prison, and too much care cannot be exercised in selecting them. Should the benevolent aid of gratuitous visitors not be denied by the constituted authorities, I do not fear that benevolent persons of both sexes will be found in most places to aid in this work. But my object in this chapter is, to show, that in the absence of accidental and voluntary assistance, the paid officers of a prison, resident and non-resident, can and ought to supply their place, contributing to the prevention of crime, and the moral improvement of all their fellow-creatures placed under their care.

I am quite aware that the first and indispensable duty of the governor and all his assistants is, to see that the law is strictly enforced in its letter and spirit, and with that principle in view, I have endeavoured in the chapter 'On the Practical Management of a Prison,' to treat the details by which it can and ought to be effected; but I wish here rather to show that there is a conscientious demand on the time and good feeling of officers to improve the

characters of those under their charge, a duty which can be only compensated by that satisfaction every independent mind must feel in doing right. I shall say but a few words on this subject, and under some apprehension, lest I should prejudice still more, those who say, that all these proposed improvements are only cant and hypocrisy! In defence of the associations, and those benevolent and humane persons, since the days of Howard, who have favoured prison improvement, I can only say, that I am not aware of any attempt or wish on their part to convert prisoners from one religion or sect to another. The Quakers have been pre-eminently forward in every country of Europe in this course, and have they ever been accused of seeking converts, except to good order and moral feeling? They do indeed recommend the Bible to be read by, or to, those who wish it, because they believe, in common with the talented, the wise and learned of every age, that it is the revealed will of God; but have the advocates of reformation in prison ever recommended notes, comments, or sectarian explanations?—No; these matters are left to the chaplains, where admission to, and power over, the inmates of a prison, is grounded solely on the admission on the criminals' part, that he is their chosen pastor, or clergyman, when out of prison. Away then with these puerile attempts to pour cold water on a scheme as good as it is great, and as beneficial to society as it is consonant with sound reason. Its supporters simply state, that reformation is not only possible, but certain in many cases, on the same principles that a wise parent would attempt to reform a wayward and wicked child;—that this reform is practicable in two ways—1st. by wholesome restraint, rational punishment, good advice, industrious habits, with moral school instruction; this, with that rational fear of God, whose existence the most wicked do not doubt, though they are ignorant of his real character, may, and often does produce, a useful

member of society in this world, on the same undeniable ground, that there are many persons out of prison, who do not profess much, if any, religion, whose conduct in the world, and towards their neighbour, should make many religious professors blush. — the 2d., and I admit the only certain and permanent reform, is a religious one, viz., a change of conduct, arising from the love of God, and the legitimate obedience to his commands. All that men can do towards obtaining this desirable end is, to give his neighbour the word of that God, and enable him to read it, which is involved in the first proposal; and however desirable it may be to some individuals, to inculcate their own peculiar views, whether true or false in doctrine, I am satisfied it is far better for the cause of prison reformation (especially in countries where the inhabitants differ in religious tenets,) that they should refrain, leaving such matters to the wonder-working effects of the unadulterated word of God, and to the chaplains whom the prisoners may adopt as their pastors. Doubtless, such extracts also from scripture, as the chaplains approve of, should be circulated: I only wish to prevent discussion and disputing about doctrine in a prison, and to state it as a fair principle, that inside the walls of a gaol, where persons are confined against their will, is not the place for doctrinal contention. I am sensible that some errors in this respect may have been committed, and I am equally aware that the cause would lose a few valuable supporters if my plans are strictly enjoined: but there is no human good that is not mixed up with a share of evil, and I apprehend the cause is more likely to prosper on my general principle, than if this subject is not regulated by discretion.

Having said this much on a subject I unwillingly entered upon, I shall now revert to the duty of the several officers, independent of their strict obedience to legislative enactments, and the by-laws established by the magistrates.

It would be far preferable to have a few officers well chosen and qualified, than the numbers we see occasionally appointed from other reasons, rather interfering with, and confusing each other, than forwarding *one* sound system. It probably would be advisable, that the chaplains should be better paid, and give their entire time to the duty, instead of coming merely on Sundays, or occasional visits; as a real benefit is to be looked for from this source, much time should be expended by them in inculcating better dispositions and feelings, and taking advantage of any symptoms of amendment, and surely this would be a considerable aid to a governor. It is not my duty to dictate to them the duty of their peculiar office, but from their education and intelligence, I would in general look for much benefit in the way of reformation, were their time and talents devoted to the one subject; in this way they would become a check over every department. Where there is a zealous resident chaplain in a gaol, I confess I would lay great stress on the benefit that would arise; there should be prayers and reading the Bible for half an hour at least, morning and evening, and many other opportunities would offer during the day, for a resident chaplain to exercise his benevolence without interfering with industry. Those in solitary confinement, the school, the sick, and the juvenile class, are always ready to hear his admonitions and exhortations. I do believe, that criminals in general would receive such, from a zealous pastor, with attention and emotion, and that they are even more ready than others, to have pressed home on their consciences, the truths of the gospel. Such men tremble at those truths, when they would not, under other circumstances, fear a fiend, their feelings are affected, and perhaps their hearts may be changed; at all events, it is certain that most of them gladly converse on religious subjects.

The governor and his deputy, (if any,) should possess very peculiar habits, to carry on the re-

quired system: indeed, the qualifications are so particular, that it will be said, to be next to impossible to procure such; this is, however, a sad mistake—it is not talent, learning, and a finished education that are required; it is only a sober, honest-minded, intelligent, well-tempered, and active man, with tact for governing his fellow-creature, and a zeal in the pursuit of it. There are hundreds of such to be found, if sought for, and many more would rise to eminence in the office, were it once known that merit instead of favour would lead to the appointment.

No system of government can be salutary or effectual if it is administered improperly, more especially a system for reforming our fellow-men. The selection of a governor should be judicious; and when so selected, for their zeal, benevolence, and capacity, they should be assured of permanency in the office, not only to encourage competition amongst worthy persons, but to enable them to cherish a hope of seeing the result of their labours. I should only add to the duties already pointed out for the governor (Chapter II.), that while he keeps a strict watch over the movements and duty of every officer under him, and directs all their proceedings, he should himself keep up a friendly and kind intercourse with the prisoners, individually and collectively, to know their characters, thoroughly to discover their vices and propensities, and the probable causes of them, and as far as possible, endeavour to correct them, by pointing out to the prisoners their real interest, directing them, and often assisting them in following it up, and finally, exerting himself to procure employment hereafter for those whom he considers worthy of his care.

There are some such governors in Ireland, and, doubtless, also in England, but till they are generally such, and supported by the authority and countenance of the magistrates, inspectors, and chaplains, steady improvement cannot be expected.

The governor being the chief resident officer, it is to him only we can look for the permanency, day and night, of that discipline and inspection from which we are to expect reformation;—to him I would say, that the exhibition of industry, order, and universal benevolence, should pervade the whole establishment;—the welfare of the prisoners should be his chief object and motive for every action; he should stimulate them to exertion, to subordination, and even mutual instruction, and his punishments should be few, but decisive; these should consist solely in solitary confinement, which is found sufficient to subdue the most obstinate; he must be ever watchful, by himself and his turnkeys, to prevent any intercourse amongst prisoners, night or day, and to preserve the greatest cleanliness in their persons and apartments. The officers of a prison may rest assured, that by a perseverance in this system, with a uniform spirit of kindness and sympathy, much may be accomplished even in the most apparently hopeless cases. The opinions of the public indeed are every day more and more enlightened upon this subject, which had been enveloped in gross darkness; much has been effected by such opinions and feelings in this land, and the attempt (now in gradual progress for nearly twenty years) to effect a reformation in the prison department, to diminish crime by moral instead of penal means, must succeed, from the growing weight of opinion and of reason in its favour; legal enactments alone cannot accomplish it, it must be the result of that general union of feeling on the subject to which we are advancing, and to the general spread of that zeal and exertion which as yet has been partial.

I shall only add, that it is a great error to suppose that mild measures will not reduce bad characters to order, and that it requires violent and unfeeling habits to restrain them. Whenever mildness has been tried, tempered with prudence, it has invariably succeeded; but at the same time that a

governor is mild and temperate, it is quite consistent that he should be firm and resolute, so as to be feared as well as loved. In the infliction of punishment for breaches of prison rules, he should be lenient, yet prompt, without any mixture of passion, proving that he is alone actuated by a sense of justice and of duty.

I need scarcely add, that it is the governor's business to appoint the duty of the turnkeys or assistants, to require of them to see all his regulations obeyed, to be responsible for the cleanliness and order of their class, for their work, decent conduct, and non-intercourse, and especially that they shall themselves abstain from all impropriety of word or act that could prove a bad example to the prisoners.

The turnkeys and all under-officers, if selected by the governor, with the consent of the sheriff, should be always examined and approved of by the committee of magistrates; their characters, tempers, and habits should be well investigated; they should know how to read and write well, and to keep small accounts; they should be qualified to give school-instruction to their class; they should be quiet, sober, moral, and benevolent men; and thus, by example, control the conduct of the most turbulent.

The governor and turnkeys should be fairly remunerated for their labour; their duties are severe and important, their time is entirely given to those duties, and they should not be exposed to temptation to abuse a trust, by the feeling that they sacrifice but little if it is taken from them.

The matron's duty is detailed sufficiently in Chapter II; suffice it to say, that she should fill, in the female classes, the station which the governor occupies on the male side, and discharge all the extra duties above detailed for his guidance.

To the respective medical officers I need scarcely address a word: they will necessarily remove the sick from the healthy, and maintain the cleanliness,

order, and proper dietary of the hospitals. It will be the governor's duty to provide against improper intercourse or freedom here, by the inspection of a careful turnkey, and his own personal visits. Independent of the medical officer's duty to attend the infirmary each day, if necessary, he is required to visit the prison and see the inmates twice at least each week, in order to give directions for preserving health and cleanliness, and to prevent any treatment that may injure the mind or body of the criminals; he should especially visit those confined in solitary cells.

CHAPTER IV.

ON THE FEMALE DEPARTMENT IN GAOLS.

THE foundation of practical improvement in this department of prison discipline may be said to have been laid by Mrs. Fry, and those associations who assisted her in the work of reformation in Newgate; from thence have sprung many local ladies' associations, which have been established, and who have published many interesting reports and works upon the modes of conducting the discipline of a female prison; to these I would refer, and particularly to a little work, entitled "*Observations on visiting Female Prisons*," (published in 1827,) from the pen of the before-mentioned lady; a work containing the most judicious and admirable directions for conducting this most important branch of prison discipline, and the principles of which are strongly supported by most interesting facts. It is, however, too true, that there still remains a prejudice in the minds of many thinking people against the interference of unofficial persons; I shall endeavour, as far as my observation and experience enables me so to do, to remove those prejudices.

That the female prisons should be under the care of a discreet matron, with proper assistants, if required, few persons will deny; until this was done, the case of female prisons presented scenes disgraceful to a civilized country, in which the profligacy was not unfrequently carried on by turnkeys and other officers of the gaol; but without dwelling on so disgusting a subject, I would ask, is not the admission of male officers opposed to all decency and propriety, as well as to any idea of reformation in a gaol? Female turnkeys are in every point of view more effective, and in case of

violent conduct, the governor can readily procure assistance under the eye of the matron. In fact, it is waste of time to argue this point—all will admit the want of a matron must lead to shameful immorality in any prison.

I think I might add, that the aid of female visitors is too obvious an advantage not to be gladly received by the magistrates, and the officers of the prison; surely there can be no jealousy of such interference, if conducted with judgment, and on the principle of non-interference in religion, now publicly adopted by the society in London.

That want of discretion may have been shown in some instances is very possible; it is human to err, but when I refer to the printed regulations of this society, I can bear testimony to every effort being made to prevent any evils arising from this source. The object of the Ladies' Society is a mere act of mercy, endeavouring to reform the character, and direct the future course in life of female delinquents, without interfering with religious tenets, or in the slightest degree with the sentence, punishment, diet, or discipline of the prison. In fact, in many prisons where these associations found no order, cleanliness, work, punishment, or discipline, they have so prudently and wisely recommended regulations for those purposes to the magistrates, that they have been adopted, and such a change experienced as to produce the public thanks of the Justices at Sessions; and surely such a change will not be objected to, but should be hailed with gratitude.

Females must naturally best know how to manage their own sex—how to discover their wants and their feelings, their errors and dispositions; they can best convey to them the language which mercy dictates, whether to call forth sorrow for their degradation, or a change of life in a way calculated to be useful. It is utterly impossible that men could accomplish any one of these things, and they must be left undone, or the aid of a qua-

lified matron obtained, and that of the Ladies' Association must be invited and accepted of.

In the chapter on 'The practical working of a Prison,' I have detailed the arrangements I would recommend for this class, which was first suggested and acted upon by Mrs. Fry, in the London Newgate with success, and met the full approbation and thanks of the magistracy, it was afterwards adopted in Liverpool, and since that period, viz. 1818, it extended, and is still extending itself over the empire. The female prisoners invariably accede to, and obey the regulations cheerfully, and whenever prudently conducted, disorder and idleness are banished, and reformation commences.

Houses of refuge for destitute females discharged from prison, have been established in some places at home and abroad, conducted by benevolent ladies in the neighbourhood; there is one in Dublin, and one in Cork, which have been carried on for some years with as much usefulness as benevolence, and their regulations are worthy of example.

It would be most desirable that similar charitable institutions should exist for reformed and destitute men discharged from prison;—such are often without friends, misinstructed, and without food, and thus tempted to unwilling crime.

The female prison should, when practicable, be separated entirely from the part allocated for males; the impossibility of any communication between the sexes is calculated to increase order, to remove all hopes or schemes to obtain access to each other, and to give more effect to the punishment of confinement, by preventing social intercourse.

The matron's apartments should be situated so as to secure inspection by day and night, and to enable her to remove with ease from one class to another. The classes, generally, will not exceed four, viz. two for the tried, and two for the untried; but it is the constant presence of the matron and her assistants to which I would look for reformation;

her instructions and kind conduct, united with employment, and the prevention of any private intercourse, will succeed finally in conquering evil habits, and induce many to alter their mode of life.

The labours of a pious and devoted resident chaplain will not be lost on this class of prisoners; but I join Mrs. Fry in the opinion, that the moral instruction received from the matron and the visiting ladies cannot be dispensed with, if we are to preserve any hope of final reformation.

CHAPTER V.

VISITING JUSTICES AND BOARDS OF SUPERINTENDENCE.

IN many parts of Great Britain and Ireland, these influential bodies attend to the prison department with exemplary diligence. It certainly may be pleaded by some, that other public duties occupy more time than country gentlemen can well spare from their own concerns ; prison discipline is, however, a subject which appeals to humanity and self-interest, and affects public morals and public expenditure, and so many instances can be adduced of the benefits which have been derived from the zealous superintendence and countenance of magistrates, in the interior management of county gaols, that I feel satisfied that my offering some observations on the manner in which their aid may be rendered most effectual, will not be considered an intrusion.

Perhaps the causes which prevent good from being always effected by the periodical visits of the magistracy to the gaols, lies in the diversity of opinion which exists, as to the proper treatment of criminals, and should these pages lead to, or in any degree contribute to bring about uniformity of system in these countries, I shall feel amply repaid for my trouble, even did no more benefit arise from it ; and I would therefore urge on the magistrates to whom the care of prisons is committed, the patient perusal of the plan I have proposed for conducting the interior economy of a prison, in the second chapter, which I trust will satisfy them, that uniformity of system can alone produce the desirable result of rational punishment and reformation. Local circumstances may cause a deviation in some cases from the general principles

laid down, but such, I am certain, will not be made the ground of serious opposition to the system.

Periodical meetings (at least once every fortnight) of the visiting justices or boards of superintendence, are of vital importance to the well-being of any gaol; as, independent of the economy in the expenditure, which must arise from their personal control, and the importance of their attention to the discipline of a prison, their meetings give encouragement to the efficient officers, and correct many of the evils of bad ones; they give to the prisoners security against severe and cruel treatment, and also satisfy them that the proceedings are legal, that their complaints may be heard, and that superiority of station does not interfere to prevent the existence of a feeling of deep interest in their condition and welfare; but there is still a more important reason for such meetings, viz. they give a publicity to the expenditure and the proceedings of a prison, which checks abuses, and which indeed is the only true safeguard against them;—abuses and cruelty will never exist but where they are carried on in secret.

Some of the most important duties of the magistrates are, to procure employment for every prisoner; to determine the description of labour, and provide the materials; to establish schools; and, where practicable, to provide employment for those who leave the gaol. These duties cannot all be the subject of legal enactments, and must be left to the discretion of those who superintend the prisons, and I can safely add, that if such points are attended to in a prison, the effects will be soon manifest throughout the country. Much advantage may arise out of the attention of the magistracy and boards, in their being enabled to observe the characters of the prisoners, to discriminate between the reformed and impenitent, and to bring forward and recommend deserving objects of mercy;—their recommendation as a body would have much weight, and if this influence was exercised with sound

discretion, it would greatly aid and encourage the plans of reformation. By *sound discretion* I mean such a careful inquiry as would establish a reasonable ground to believe that the exercise of mercy would not injure society; and that the object of pardon would become a peaceable and industrious man. Such recommendation should be dictated by a sense of justice, and not by a feeling of compassion, or at the instance of friends or relatives.

I do not feel it necessary to urge farther the great benefits to be derived to the gaol department, from the zealous and active co-operation of the magistracy, as they must be aware of its importance, and, indeed, of the probable failure of any plan which does not meet with their sanction and support.

Amidst the various moral duties that naturally devolve on those possessing rank and property in a county, surely the care of the public establishments, and especially the prisons, are not amongst the least; they are more deeply interested than most others in the suppression of crime, and obedience to the laws, and consequently the subject is worthy of much consideration; they should decide for themselves and the public whether the system proposed is good or bad: if the former, let it be supported and defended; if the latter, let it be abandoned and a better substituted; but let the abandonment be grounded on principle and just reasoning, after a fair trial of different plans.

I fearlessly state, however, that the trial of the penitentiary system, which involves the hope of reformation, as well as punishment, is the best method that has ever been recommended to the world for the suppression of crime. The mere punishment of the guilty by severity has never succeeded, and is neither a benefit to the individual or to society; it is purely vengeance. Would a lad at school, I ask, become a good man, or a good subject, if the master only gratified his anger by punishment for errors, but never gave

instructions for future or better conduct? this would, indeed, be bad enough ; but suppose the master to go a little further, and to allow all kinds of evil communication and bad habits to circulate in his school, without inspection or control, what would be the result ? Surely I need not follow up the argument. Prisoners are only children of a large growth, they are literally at school, and the magistracy are the inspectors and guardians of this school ; under their care, crime will either diminish or increase, and therefore, it is of vital importance that they should decide what is to be the discipline in this national seminary, always keeping in mind, that it is to prevent crime—not merely to punish it ; the discipline is to be established, to open a door for reformation, as well as to create a dread of degradation and punishment. With those things in view, I doubt not a sound discretion will be used ; as it will be admitted by all, that idleness, promiscuous intercourse day and night, and want of inspection, cannot either tend to punish or reform.

It is allowed that persons in the upper rank of life are constantly reformed by discipline and trouble, and why should not equal care, when in our power, be bestowed on the lower orders, where opportunities are far less of their being stopped in a vicious course than the wealthy, and whose difficulties are tenfold in obtaining employment after the loss of character.

It by no means follows that all crime is a certain token of a depraved mind, or habitual guilt, or that all correct views of right and wrong are lost. The most depraved men have generally some feeling, which if carefully sought for and excited, will bring them to yield a willing and cheerful ear to the voice of advice and kindness ; we are, therefore, not warranted in deciding on any criminal being beyond the reach of repentance ; and, consequently, we are bound to try the experiment, instead of placing them in the way of temptation, and almost encouraging profligacy by idleness, and social intercourse.

CHAPTER VI.

ON TRANSPORTATION AND THE HULKS.

TRANSPORTATION to the colonies has much lost its character as a punishment to those who receive that sentence. Being severed from their country and former associations is, doubtless, a temporary grievance to some; but, when balanced with the favorable reports which reach this country, of the situation of the convicts at New South Wales, all terror ceases, and many have been known to court the sentence. It is not, however, my object or my duty to enter on a dissertation as to the merits or demerits of this mode of punishment; but being so closely allied to the prison department, I conceive I ought not to pass it over in silence, especially as the *hulks* are intimately connected with it.

I am quite satisfied that transportation to any place operates most advantageously to this country, by getting rid of incorrigible criminals; but I would wish they should be *proved* incorrigible, by previous trial, and that every effort should *first* be made to reform them in our prisons at home;—this failing, which will occasionally occur, the nation is well rid of such, and it is very possible that they may become good members of society in a new scene, where a field is open for employment and industry, and the same temptation to crime may not exist.

The enormous expense is one of the greatest objections to transportation, although it has been much diminished in amount. The frequent returns of the worst characters, is stated by the author of "*The Police of London*," page 248, to do much mischief; but these are evils inseparable from this punishment. I would, however, submit for consideration, in order to lessen the number, that a

convict should not be transported for a first offence, and till a fair trial had been made to reform him; this trial might, I think, be made in the county gaols; it has as yet seldom been made, but the experiments which have been tried in America, and in a few instances in Great Britain, have amply justified the practice. Under this system the sentence of transportation would hang over the convicts, and if the penitentiary trial failed, the transportation should be put in force.

It is stated in the *8th Report of the London Prison Discipline Society*, from penitentiary documents, "that out of 4376 convicts, in New South Wales, whose sentences had been remitted, or whose time had expired, 296 only were considered as of a respectable character." So much for the reformatory effects of transportation. Should the Government at any time consider it desirable in many cases to substitute another punishment for transportation, I believe it will be efficiently found in the county gaol or penitentiary discipline, if carried on with system, by occupation and hard labour in classes, moral and religious instruction, and the absence of all social intercourse during the period of the sentence. This plan would also save all expense to the Government, and place it where it should be, on the county. I admit, however, to secure the success of such a universal system, the proposed discipline, if approved of, must be enforced by stronger laws than exist at present. This plan does not rest on theory; the effect is proved by several trials in America, for a period of four years, and the success complete; and the Millbank penitentiary, in our own country, affords another example.

From what I have seen and read of the hulks in England, under the superintendence of Mr. Capper, and from the official knowledge of those in Ireland, under Mr. Trevor, they need not be ashamed of a comparison with many gaols in the kindgom, so far as discipline and good order can be carried on

in a ship, where much classification and work on board is necessarily excluded, from want of accommodation, where constant intercourse cannot be prevented amongst the convicts, and where seclusion at night in a solitary cell is impracticable. These deficiencies preclude the hulk discipline from being considered as an effective penitentiary system.

I cannot here resist particularly adverting to the case of the female convict ships; they are regularly visited previous to sailing by a committee of the Ladies' Association. I happened myself to be present during one of these visits, and can bear testimony to the good order that prevailed on board;—this, I am certain, is to be mainly attributed to these visits, and the arrangements made by the committee. The officers of the department, and of the vessels, have also invariably stated their opinion of the good produced by these humane visits, both previous to sailing, on the voyage, and after their arrival at their destination. The committee provide books, clothes and work for the voyage, arrange the classification on board, and expend hours in reading and giving moral instruction to the classes, according to their age and character. Can the most incredulous doubt the benefits arising from such a work?

The public works on shore, at the different stations of the convict-ships in England, furnish labour for the inmates; and should this fail at one place, it would be easy to remove the vessel to any other port. Their present stations are at Deptford, Woolwich, Chatham, Sheerness, Portsmouth, and Devonport, and they contain, on an average, 4,000 convicts. In Ireland there are two hulks, one at Kingstown, and one at Cork, the convicts in them do not work on shore, and are seldom detained long on board, as excellent arrangements are made by Government for their speedy removal to their final destination; the old, infirm, and sick are detained in the penitentiary in Cork, till discharged

or pardoned. In England these cases are kept on board, and many of the sentences to transportation are commuted for a certain term of years in the hulks.

A qualified, well-paid, and well-chosen resident chaplain on board would, I apprehend, be the best remedy for the evils that so necessarily exist on board a prison-ship; independent of his daily duties as a clergyman, he would communicate freely with individuals, and by his rational influence, prevent turbulent and vicious conduct amongst the unruly, and encourage reformation amongst the better disposed; he would inspect and direct the movements of the school, and would be a restraint on all immoral conduct or abuse; such a valuable officer might have charge of two, or even three convict-ships, and occasionally reside in each, if they were near each other, but residence in some one vessel, with no other employment, is the only way I can devise for that continual inspection which is so essential; visits from the shore are always uncertain, from weather and other obvious reasons. The chaplain should hold a constant correspondence with the Government superintendent in the capital, and inform him of any irregularity or abuse, and suggest the remedy, which will not interfere with the important duty of the other officers, as it respects cleanliness, work, security, classification, and dietary:—the chaplain should keep a journal of the daily duty performed, and of all occurrences on board. Lest these views might appear novel and experimental, and unworthy of consideration, it is right to state they are, for the most part, the opinions of a committee of the House of Commons, which sat on the subject in 1812.

The boys under sixteen years of age are, I understand, kept in a separate vessel; this is a most judicious plan, and if a school of industry and morality is followed up with this class, much benefit must arise to themselves and the public wherever they may be eventually destined to spend

the remainder of their lives. If the aged, infirm, and sickly convicts, and those intended to proceed to New South Wales, were also kept separate; perhaps all that can be done in the hulks will be effected, presuming that school instruction and morality are attended to daily, by the proper officers; however, it is much to be regretted, that under the best regulations, from want of accommodation we cannot look to the hulks as prisons, where rational punishment and reformation can go hand in hand with the ultimate view of benefiting the individuals and the public, and perhaps it would be better for both, if practicable, that the convicts should be kept in prisons on shore, erected especially for that purpose.

CHAPTER VII.

ON NATIONAL PENITENTIARIES.

IT will not be requisite for me to enter deeply into this subject, as I have considered the principle of the system throughout this work, assuming that every gaol, of whatever description, should be conducted, so far as circumstances would admit, as a penitentiary ; and if they can be so conducted, it would remove the necessity of having many national establishments of this kind, and the expense would be borne by each county according to its number of criminals : exclusive of this consideration I am disposed to think, that there is no system so according with constitutional principles, or so likely to be well carried on as that of a county gaol, or house of correction, under the local and constituted authorities : Where the Government of the country are obliged to take the sole management of an establishment, they must greatly depend on the merit of the officers in charge, as the occasional inspection and check on such places, are necessarily placed in hands, whose zeal and energy may cease ; or where a succession of zealous members cannot be secured, and where these are wanted there is much reason to fear that sooner or later the tyranny, indolence, or ignorance of some uncontrolled governor, might destroy the usefulness of the institution. The members of the Government cannot give time to such duties, and the visits and inspection of benevolent persons may be received with jealousy by the officers. Responsibility becomes, under such circumstances, too great to be safely entrusted to an individual governor, and it is unsatisfactory to him and to the public not to give ample publicity to all the details of the discipline ; this is an objection

to any description of prisons not subject (as county gaols) to local authority.

There have been in Great Britain only two national penitentiaries, one at Millbank, near London, the other in Ireland near Dublin. The latter has been discontinued, and should the penitentiary system ever be resumed, it would probably be best effected, by connecting it with the local gaols.

The penitentiary at Millbank, has, I believe, succeeded admirably, so far as it has been tried, under the care and management of a committee, some of whom are Members of Parliament, whose zeal has been unabated, and whose intelligence has conquered every difficulty; but I believe the expense has been very great, and that it has been an unceasing trouble to the Government: how different in expense and trouble would it have been to provide for the same number in provincial penitentiaries, supported by the counties of the district, and under the control of the magistracy.

So long as the county gaols and houses of correction are not scenes of industry and discipline, I must admit that extensive state prisons, paid for, and managed by Parliament, afford the best opportunity, from the magnitude and liberality of their plans, to carry on a wise system for the punishment and reformation of criminals.

With these few observations I may close this chapter, as all the details I have given for the management of other prisons, apply to a national penitentiary, only with more force if possible; and it does not much signify what place may be decided upon, provided ample accommodation is secured, and the great object of reformation continues to be the leading feature of the system, and that a board of superintendence, composed of justices belonging to the district, is appointed to control and carry on the system under defined legal enactments.

CHAPTER VIII.

ON LUNATIC ASYLUMS.

OF all the afflictions to which human nature is liable, the loss of reason is doubtless the most calamitous and interesting. In every nation in Europe, the subject has attracted the attention of their legislatures, and especially in England, where the most benevolent measures are in progress to make provision for the care of lunatics in asylums, where kind treatment to the individual, with as much care and skill as practicable to procure an alleviation or cure of the disease will be secured. It is not my intention to detail the many abuses that have existed in establishments of this kind; they have, I trust, nearly vanished in these countries, and I have every reason to think that systematic cruelty, or what is worse, confining, for private ends, persons who are not insane, does not now exist. I have the more gratifying task of stating, that in all the private and government establishments which I have visited, cleanliness, care, inspection, employment, medical advice, and the peculiar treatment necessary for the disease, have succeeded to much neglect in many of those particulars.

I must, however, say, that in too many of the local pauper asylums, supported by private subscription, or rates, there exists still a lamentable deficiency in the care of these unhappy creatures, arising chiefly from the want of accommodation, as well as of qualifications in the superintendents, and this only leads me to submit for the consideration of those whose influence and authority can command redress, the necessity of having large provincial asylums throughout the empire to receive every pauper lunatic or idiot in the district, under the responsibility of the Government, but conducted by a local board, each county to pay its

proportion, according to the number of patients admitted, and each asylum to contain a wing for incurable and epileptic patients.

This is not a system merely existing in theory, but has been acted upon in Ireland, and the success has been so complete in the district asylums now in operation, both as to comfort and success in the cure of the inmates, that no doubt of the utility of such establishments can remain on the mind of any person who visits them. Such a plan, if generally adopted, will put an end to all other asylums except those kept for private emolument, and so far as I am acquainted with them in Ireland, where my duty obliges me to inspect them, it is but justice to say, that there not only does not exist any abuse, but that the comfort, care, and cure of the inmates is amply provided for. I would only add, that all private asylums in England and Scotland should be also subject to periodical inspection, by legally authorised officers as they are in Ireland.

I need scarcely say, that the expense of such buildings is no argument against the plan. As well might the expense of erecting gaols be objected to, for lunatics and idiots cannot with safety be allowed liberty, and it follows, that it becomes the duty of each county to provide for them from the public purse, and of the Government to enforce their proper care and treatment by legal enactments. And surely, nothing can be more painful than the too common case of seeing persons who are deprived of reason and moral responsibility, swelling the criminal returns of the kingdom, by being charged with crime against the public peace, and committed to prison.

I am not hazarding opinions on the subject of this chapter without experience or authority. As one of the Inspectors-General of Prisons in Ireland, I am appointed by the Prison Act to inspect and report to Government the state of every public and private lunatic asylum; I have done so for ten years, as has my colleague in the office, in

common with whom I have taken a great interest in this branch of our duty, and though it would be beyond the limits of this work to enter into the details of management pursued in the district lunatic asylums in Ireland, I am glad, however, of an opportunity of bringing the subject before the public, and directing to them the attention of persons interested in such benevolent institutions. There are, doubtless, many particular asylums in England and on the Continent whose merits are admirable, but as a national measure, acted on now nearly throughout the country, I may safely say that the system of asylums in Ireland is not equalled in any part of the world.

Sir Andrew Halliday, who has published an intelligent and able work on the treatment of the insane, and whose observations extend to the Continent, has borne ample testimony to the facts herein stated.

I shall only add, that the principal care in all lunatic asylums should be to procure an intelligent and experienced manager; on his qualifications will depend every thing. It is too true, that previous to modern improvements, the managers have, in many instances, been permitted to exercise towards their innocent prisoners an uncontrolled and arbitrary system of restraint, and even violence, perhaps more from ignorance of the true mode of treatment than from cruelty of disposition; but since the introduction of a better system, experience daily affords full proof of the happy effects of a mild and conciliating discipline, united with firmness, and rendered effective by moderate employment. In fact, work, mild and kind treatment, classification, and the absence of coercion consistent with safety, are the true secrets in the management of a lunatic asylum, and will produce more cures than any thing yet discovered in medicine, though the aid of the latter is by no means to be dispensed with or undervalued.

It would, then, be desirable, as I have said, to

enforce by law the erection of district lunatic asylums in England and Scotland for criminal and pauper lunatics and idiots, which, under due inspection, would exclude almost the possibility of cruelty to those helpless creatures, and would secure the restoration of many to health; it would lessen the number of small private asylums for the lower classes, and the dangers occasionally attending them, which has been proved on a parliamentary inquiry. There certainly exists at present no such abuse in Ireland, nor am I aware of any in the English private asylums, but I am quite satisfied all such places should be inspected occasionally, and placed under a local committee, and I believe every respectable manager of such places would approve of, and court, that inspection and control. The very name of such a committee would prevent as well as correct abuses, and satisfy the friends of patients and the public.

By returns made to Parliament, there appear at present twenty-seven county prisons in England where idiots and lunatics are committed, and in twenty-six counties there are no public asylums. In Scotland also, lunatics are occasionally sent to the gaols. Exclusive of the objections before alluded to, few can imagine the injury even one lunatic does to the discipline of a gaol where order is attended to. The authorities in France are so satisfied of this, that they have lately erected twenty-seven provincial asylums, and seven more are in progress, and the Minister of the Interior admits in his report, that necessity alone can tolerate the confinement of the unfortunate insane in prisons on criminal charges.

It is not necessary to dwell further on this interesting subject, as it has engaged the attention of the Government, who are in possession of the views of those most competent to afford information, and are, I understand, about to establish a system of inspection of all lunatic asylums in the kingdom.

The tables and returns exhibited in the work of Sir A. Halliday, of the number of lunatics in England, &c., are very interesting; which, with the report of the Metropolitan Commissioners, will be found in the *Appendix to the Eighth Report of the London Prison Discipline Society* (page 289), printed in 1832.

It appears by these returns, that there are about 14,000 insane persons in England, and that 11,000 of them are paupers, and maintained at the expense of the parishes.

CHAPTER IX.

ON THE GAOLS OF GREAT BRITAIN AND IRELAND.

It has been said with truth by some writers, that every county in these kingdoms maintained at the public cost a large school for the encouragement of profligacy and vice, and securing a succession of the worst characters, conducted on the most liberal principles, as all can easily procure admission to them:—that this has been true no one will deny. The youngest criminal that evinced a propensity for evil, has been provided hitherto at once with food and lodging in these seminaries, the county gaols, and at once commenced his studies under the most accomplished felons, and all being left destitute of employment, the vacant and idle hours were occupied in oaths and varieties of crime, and each only desiring the day of liberty for the purpose of commencing a similar career. It cannot be denied that this was a true picture of most of the prison establishments in the three kingdoms until lately, and is still so of a few I fear; but the day of improvement has dawned, and I do not despair yet of seeing the light rise to its meridian, when all prejudices, and all the idle and silly arguments in favour of the old system will vanish, and the united talents, and landed proprietors of the kingdom join heartily in the cause, and contribute their influence and their valuable time to the reformation of this unhappy class of mankind.

The system has hitherto been, to totally deny all reasoning brought forward for amending the state of gaols, but this has, I admit, given way much to a better order of things, and were it universally so, I need not have troubled the public with an attempt to press this subject upon their

attention; but when I look at the present system in many prisons, moral government barely holding up its head, sickly from want of support, and at best, but half enforced, not unfrequently hearing from those who should know better, the old cry, that, "the treatment is good enough for prisoners," I cannot but fear for the cause of humanity, and dread that the least cessation of zeal amongst the advocates of prison improvement, would throw us back a century, into those scenes of filth and cruelty from which we are only just emerging.

I come now to the more pleasing part of this subject, viz. : to state what many of the county gaols of the empire are at present, and what they all ought to be.

Such improvements, indeed, have taken place, as would surprise and delight the venerable Howard were he once more to visit us. New gaols and houses of correction have been erected almost in every county, and good air, reasonable food, some classification, and some employment, is provided: irons and fetters have been, for the most part, abandoned, and humane treatment, as opposed to cruelty, adopted. But these things, though admirable in themselves, are not all that is required; and if we stop here, I believe the steady advocates of prison discipline would unite with me in asserting, that it is far from what is necessary, and would leave the enemies of good order and reformation a triumph, enabling them to say, where is the good you promised, and where are the effects of all this expense and trouble? But no; you have not yet provided all we require; we want more than the removal of cruelty, filth, and disease; we want to prevent all gaols from being nurseries of crime; we want to make confinement painful to the evil disposed, while they afford an opportunity to the less depraved, of seeing the evil of their ways and returning to society as peaceable and good subjects. In fine, we ardently desire that the sentence of the law shall use none of its just and legitimate

horror or degradation, while we devise to lessen crime, and the number of recommittals by a system of discipline, which, we assert without fear of contradiction, is alone calculated to produce these results.

We cannot be satisfied until we see in every county gaol, &c., minute classification, constant employment, efficient religious and school instruction ; a single cell for each prisoner at night ; constant inspection from qualified officers and sub-officers ; a good code of regulations, with a zealous board of magistrates, or a board of superintendence, who will give at least one day in each fortnight to attend, in order to inquire into every abuse, and to control the whole system. On all these points I have entered into minute detail in another chapter, viz., that on “ The Practical Management of a Gaol.”

ENGLISH GAOLS.

The Eighth Report of the Prison Association in London has just been printed (1832), and enables me to give a correct but short view of the general state of the gaols as it respects discipline and accommodation, which is all that is necessary for my purpose, viz., to show what has been done, and what remains yet to be accomplished.

It appears by the appendix to that report, that there are in England and Wales about 180 county and city gaols, houses of correction, and borough prisons, exclusive of some local jurisdictions not noticed, and that out of this number there are only 36 that have sufficient night cells to give one to each prisoner ; that there are only 45 prisons that have the lowest scale of classification required by law ; that in half of them there is no hard labour, and very little industry provided for, there being only 76 gaols where the tread wheel is used, and that where there is, the hours of labour vary in dif-

ferent prisons ; that the untried are mostly kept in idleness ; that in some gaols the prisoners get a portion of their earnings, and in others not ; that moral and religious instruction is by no means general, with the exception of worship on the Sabbath ; and, finally, that preventing intercourse between the prisoners is not made part of the system, though there are a few admirable exceptions.

The same report states that the dietary varies considerably, and in some debtors' prisons none is allowed ; that occasionally no infirmary is built, or proper provision made for the sick ; in some of the borough gaols there is no separation of the sexes, no yards, and that irons are still used in some cases.

The description given in this report of the prisons belonging to some local jurisdictions (in pages 26 and 27) are in fact opposed to the law in every particular as will more fully appear by referring to that report.

It is gratifying on the whole to observe the many improvements that have taken place within the last twenty years. However, the present state of things falls short of rendering the English prisons places of rational punishment and reform. The old system of treating criminals with cruelty is abandoned, and their health, food, and accommodation are almost in every case attended to. There is also a growing interest manifested in these things, and we must not omit to acknowledge, that in England there are some, if not many, splendid examples of almost every thing desirable.

I think I have now made out a case fully sufficient to prove a want of uniformity and practice in those matters, which the friends of prison discipline call for, to secure the success of their operation ; and till they shall be enforced by law and zealously executed, it cannot be said that the semblance of a trial has been given to modern principles.

SCOTCH GAOLS.

With the exception of the prisons of Edinburgh, Glasgow, and Aberdeen, it is remarkable what little improvement has taken place in the gaols of Scotland. The Society's report states them in general to be without classification, employment, accommodation, or even yards; security in many places deficient, and many of the prisons remaining as they were the last hundred years, only receiving occasional repairs. It is therefore useless to attempt any description of them individually. That there is not practised any cruelty or illegal severity I can have no doubt, in a country that is always prominent in improvement, and active in humanity and independence; but does it not, in another point of view, wear an aspect of undue severity, to neglect providing for the classification of crime, and the moral and religious instruction of the inmates of their gaols, in a country where there are upwards of 100 prisons of various kinds?

I cannot but suppose there is some latent reason for all this, and that it only requires that the Scotch nation should be convinced of what is right, in order to secure the performance of it. The universal education, moral and religious, throughout that country being so amply provided for, and the crimes consequently so comparatively few, is one reason for apathy on this subject; but it is not a sufficient excuse, as the neglect of one criminal may create many more, and I doubt not but the day is not far distant, when this industrious, zealous, and moral nation will be alive to the subject, and see the necessity of erecting a few penitentiaries, suppose one for every five or six counties, and of establishing in their prisons a discipline worthy of imitation by other countries.

IRISH GAOLS.

Ireland, in common with other countries, is running its course in the race of improvement in gaol discipline, and it will be expected that I should give a more detailed account of its present state, as I have an opportunity, in the discharge of my official duties, of knowing every thing connected with them.

There are 40 county and city gaols in Ireland, two distinct houses of correction, and 96 bridewells or smaller places of confinement, for detaining prisoners for short periods, in transitu to the county gaols. There are also a very few debtors' prisons attached to local jurisdictions, but the great mass of corporation and manor prisons which formerly existed were swept away by a clause in the Irish prison act, 7th Geo. IV., chap. 74, by which the Lord Lieutenant was authorised to abolish all such as did not provide legal accommodation; the proprietor of the franchise being empowered by the same act to commit the prisoners to the county gaol. These, with two district bridewells, compose the whole of the places of confinement in Ireland.

I thus enumerate the Irish prisons, as that country exhibits, perhaps, the only instance of a system embracing the whole of the places of imprisonment of every description, and in which the transactions of each are under the cognizance of Government, and periodically brought before the public, so that no complaint of improper treatment, or deficiency of accommodation and supplies, can be brought forward which cannot be satisfactorily investigated by the mere production of official documents, or by an established chain of responsibility always in operation, and which reaches every case.

Twenty-seven county and city gaols have been

erected since the year 1818, or such additions made to them as to afford provision for carrying into effect the enactments of the prison act, and all the means of discipline; nine of them remain as they were at that period, in good repair but deficient in proper accommodation, and four city gaols remain a discredit to Ireland.

The report of the Inspectors-General of Prisons to Parliament, gives a statement of every prison and lunatic asylum in Ireland; and, as this report contains all the minute particulars, I shall only give a general account of what has been accomplished by the liberality of the grand juries and the zeal of the boards of superintendence, since the year 1822.

The parliamentary report contains annually—

1st. A statement of the progress of prison discipline within the last year.

2d. A detailed report of the actual state of every gaol, house of correction, bridewell, or other prison, lunatic asylum, and hulk in the kingdom, founded on a personal inspection, by one of the two Inspectors-General of Prisons.

3d. A list of every prison, &c., &c., in Ireland.

4th. An account of the expenditure in every gaol.

5th. A return of the work and schools therein.

6th. A return of the Bridewell expenditures.

7th. A return of lunatics confined in Ireland.

8th. A summary statement of crime in Ireland for the last seven years, distinguishing the number committed in each year, the nature of the crime, the numbers convicted or acquitted, the sentences, and the number executed.

In the gaols where the accommodation is commensurate to the average wants of the county, a system is carried on creditable to the counties and useful to the community; classification is secured to a great extent; schools are established; industry and general employment are gradually increasing. In many gaols every individual is employed,

chiefly at stone-breaking and the tread-wheel, and in those cases in which there is not yet full employment, the boards of superintendence are most anxious to discover means of procuring it, and are sensible of its importance. There is at most periods of the year, a separate cell for each prisoner, and the governors are all aware of the necessity and benefit of this part of the discipline. A sufficient number of assistants and turnkeys has been appointed for all the purposes of inspection and security in place of the military guards, which were in every point of view injurious to discipline, from the entire dependence placed in the sentinels, for inspection and safety. The cleanliness and order of these gaols are remarkable, wherever the governor is a qualified officer. A good code of bye-laws is established; the dietary is economical and uniform throughout the kingdom, prepared in general kitchens, and served with order and punctuality. The debtors are kept separate and divided into two classes. The female classes are under the care of a matron, who superintends their conduct and work, aided by female officers, and in many cases these classes have the advantage of the care of a committee of ladies, who visit and instruct the prisoners without interference with the discipline of the gaol.

I do not mean to assert that these gaols have arrived at that state of discipline to which I trust they will attain, or that there are not many shades of difference in their state, but such progress has been made as to hold out (I would say) a certainty of the ultimate and complete success of that system. Doubtless there are instances in the present day, in almost every civilised country, of particular gaols and penitentiaries conducted on the soundest plans, perhaps superior to any we can show in Ireland, but no such combined national effort has been attempted, and it is a remarkable fact, that at a period when complaints are so common, and abuses so easily redressed, there has not been any public

charge made against this department for cruelty or mismanagement in any of its branches.

The defects which still exist in some of the gaols in Ireland are as follow:—

1st. Want of permanent and steady employment for every individual, from rising till bed-time, excepting the hours for meals and instruction.

2d. Full accommodation so as to admit of a separate cell for each prisoner.

3d. The want of a juvenile class, so arranged as to be rather a school for trades, morals and instruction, to alter the habits of the young culprits, remove them from evil society, and train them up as any young person may be if attended to, and thus reform that part of the rising generation, who frequently find their way into gaol, and who, if sent out as they come in, will inevitably increase their number by tainting others; one pickpocket or young vagrant, if reformed, is of far more value than his own personal change.

4th. The neglect of a steady and permanent silence, amounting to the prevention of any intercourse amongst prisoners: a better description of turnkeys can only effect this.

5th. The want of chaplains who could give their entire time in aid of the reformatory system, and who should be fairly remunerated, giving some hours each day to the duty, not only of prayers morning and evening, but to individual instruction, advice, and exhortation.

Were these things provided for, and steadily carried on, I have no hesitation in asserting, that crime would be lessened, individual reformation would take place, and in a very few years the county gentlemen would have reason to congratulate themselves on the success of their efforts and on the economy by which it was effected.

HOUSES OF CORRECTION.

There are only two houses of correction, properly so called, in Ireland, viz., that at Belfast, and the Richmond Bridewell in Dublin, in which sentenced prisoners only are confined; ample employment is provided for every prisoner, and so far the objects of the law are obtained; but there is not in either of them sufficient room for classification by day or night. In other respects they are remarkable for good order. In Dublin, the prisoners, male and female, receive a part of their earnings. In Belfast they do not; the law not requiring such an allowance to persons sentenced to hard labour.

BRIDEWELLS.

In the general interest which has been excited on the subject of prison discipline, there is not perhaps any branch which has been so much overlooked, as the state of the *minor places* of confinement, and it is to be feared, that in counties in which many gratifying examples of well conducted prisons are to be seen, there may still remain in use places of confinement, under the various denominations of *black-holes*, *lock-up houses*, *cages*, &c., which are wholly inconsistent with the principles of the present law, and it is possible that in such places instances of cruelty are not rarely to be found. In Ireland this evil existed up to the year 1822, to an extent which can scarcely be supposed to have existed in a civilised country. In the evidence of an enlightened individual before the House of Lords, in the year 1819, the following description of the bridewells of Ireland is given:—"The most prolific source of suffering may be traced to the bridewells, one of which is to be found in each town and village. In a miserable building

“prisoners are confined for days and weeks, without yards, inspection, care of health or morals; men and women thrown together in damp cells, without bedding on clay floors; no regular supply of food is provided; all is fraud, oppression, and misery.” This statement was corroborated by me and my colleague on our entering upon the duties of Inspectors-General of Prisons in 1821. The first measure suggested to the grand juries was, to diminish to a considerable extent the number of bridewells, and a great proportion were abolished under the power vested in the Lord Lieutenant to discontinue insufficient prisons by the 7th Geo. IV., chap. 74. This, with the abolition of manor prisons (before alluded to), brought within a reasonable compass the number of prisons of the lower class; amongst those which remained, a very few (more chiefly in the county of Tipperary) were capable of improvement, so that I may almost generally assert that this class of prisons has been *entirely new built* throughout Ireland since that period. They still vary in their state; but it is not to my purpose to point out their comparative merits or defects. Suffice it to say, that in all there is sufficient room; there are separate day rooms, cells, and yards for each sex; bedding, dietary, and other supplies regulated by the prison act, and such a system established, that they now present miniatures of the county gaols. In the year 1822 there was no existing record of the *numerous* prisoners committed to these bridewells, and who were discharged from thence without being transmitted to the county gaols, and consequently no check either upon committals or discharges. Under the present regulations, a detailed quarterly return of the circumstances of each committal, together with an account of the dietary and expense of each prisoner is transmitted (authenticated by affidavit) to the office of the Inspectors-General of Prisons, a copy of which remains for the inspection of the local authorities in the prison. I have dwelt so

long on this topic, as I consider it a striking instance of a most important object completely accomplished, and worthy of the attention of the authorities in other countries.

The bridewells are placed under the inspection of the parochial clergy, who certify the returns and correspond with the office of the Inspectors-General—a duty performed without salary, and with general zeal and good effect.

DISTRICT BRIDEWELLS.

The two district bridewells are at Baltinglass and Parsonstown. The intention of the Legislature was to keep prisoners there during their sentence, to prevent crowding in the county gaols. The object is not gained, as few prisoners are detained in them, and the system has not been followed up by other counties, but the clause may yet be acted upon with advantage if room is required in the county gaols.

DEBTORS' PRISONS.

The few debtors' prisons in Ireland are chiefly in Dublin, and are attended to by the local authorities, but would require some alterations to comply with the act of Parliament. The probable result, however, of the proposed act of the Legislature, to abolish for the most part imprisonment for debt, may prevent the necessity of expenditure, or again reporting upon them.

I cannot conclude this account of the Irish gaols, without bearing my humble testimony to the exertions and usefulness of the Association in Dublin, for the Improvement of Prisons and Prison Dis-

cipline in Ireland. By their annual reports and other publications, united with their benevolent visits, and energy in the cause, they have given a tone to public feeling on the subject, and a support to our office, without which the improvements that have taken place would have been, to say the least, much more gradual. When all were zealous it would be invidious to particularize any of the members, but I am certain that it will gratify every one that I should pay a tribute to the memory of departed worth in the person of the late Mr. Fayle, of High-street, Dublin, whose zeal and usefulness in this, and every other cause of humanity, will be remembered with gratitude, and estimated by its valuable results. I never can forget his mild and bland countenance, lighted up with that fire and zeal for a cause in which he ever felt interested, and by his perseverance and intelligence kept alive, at a period when it required all the energies of its supporters.

It is not perhaps my proper province to point out the importance of the duties of the Inspectors-General of Prisons, but I must run the risk of appearing to magnify my own office, and in common candour and honesty say, that I do not see how an efficient, and, to use a modern phrase, *aggressive* system of prison discipline (the only one which can produce general improvement and guard all points) can be carried on without some central point of official communication, between the law and the executive on the one hand, and the local authorities upon the other. The office should be (and is) so constituted by law, as not in the most remote degree to infringe upon, or interfere with, the powers of the sheriffs and magistrates; on the contrary, it should be aiding and assisting in giving additional effect to their authority, by pointing out where its exercise is wanted, suggesting useful regulations, procuring plans, showing how the law has been administered in other counties, bringing before the different grand juries, in the annual re-

ports made to them, as well as by occasional communications, not only the state of all their own prisons, but the details of discipline and expenditure in the other gaols of the country, and thus enabling each local board to regulate their own proceedings by the best test, viz., by comparison with those of every other county. The periodical visits of the Inspectors-General to the different county gaols, operate decidedly as a stimulous to good, and a check upon bad officers. In bride-wells the system has, in most cases, wholly depended upon them, and I can venture to assert, that in all counties in which the subject of prison discipline has been intelligently taken up, they are considered as visitors sent to assist, and not to interfere with the local authorities; from those counties they are in the habit of meeting with every mark of confidence, and of receiving constant references upon matters of doubt, and inquiries in cases on which information is wanted.

The annual report made by the office to the Lord Lieutenant, and laid before the Houses of Parliament, being printed by the House of Commons, has become a document of public notoriety, and it is scarce necessary to point out the nature and extent of the information which it furnishes. My colleague and I have been much gratified by the notice they have received, and by the testimony borne in favour of our views, by that valuable association for the improvement of prisons in London, to whose active and enlightened labours the public are chiefly indebted for the practical introduction of the principles of Howard, and the system of prison discipline in these countries.

The office of Inspector-General extends in Ireland to the different establishments of whatever nature, public or private, for the reception of lunatics, and, by a particular act of Parliament, may be extended to the inspection of county infirmaries, should the Lord Lieutenant direct it. In fine, I think it cannot be denied, that the public receive a

benefit, by placing the responsibility of their public establishments on a paid officer, to inspect and report upon all their details, and upon whom will necessarily fall the discredit and punishment, should any abuse remain undetected or unexposed. Where there is no general responsibility, no general or public observations on abuses will fall upon particular counties or individuals; for example, severe *censures* on the gaols in England or Scotland, by any public or private body, pass like the idle winds, or at the best you can only expect the gradual and slow remedy provided by public opinion, because the system is general, the censure applies to no particular county or prison, and there is no positive responsibility; there is no discredit, because no county or individual governor of a prison will admit that the censure is applicable to their case; but in Ireland, and I believe in France, Belgium, and Prussia, it is otherwise. The Inspectors-General of Prisons are referred to on every complaint in Ireland, and held responsible for the system being conducted properly, unless they can show that they have reported to Government, Parliament, and the Grand Juries on every existing abuse or breach of law, and used what means were in their power to remedy the evils.

I have elsewhere stated that two valuable institutions exist in Dublin and Cork, viz. a refuge for destitute females discharged from prison, creditable to the managers and useful to the public. I have just received the first report of a similar asylum for destitute boys in Dublin, and I cannot resist the opportunity afforded me, of giving my humble meed of praise to the originators of so benevolent and interesting an institution, and recommends it to public support as one in a national point of view, and so long as properly managed, not inferior to any public charity in the kingdom. I hope yet to see a parliamentary grant to all such establishments.

CHAPTER X.

CONCLUSION—WITH A STATEMENT OF THE BENEFITS SOCIETY HAS DERIVED FROM THE LABOURS OF THE PRISON ASSOCIATION IN LONDON.

HAVING now, to the best of my ability, endeavoured to collect within a small compass the varied information diffused through different works, and to be collected from practical establishments, on this extensive and important subject so vital to the moral character of any nation, and having detailed what, by common consent of the wise, good, and great of every country, appears to be the best mode of managing and treating criminals of every description, as well as the minor plans of internal discipline, and pointed out the duties of all officers, &c., &c., I think I cannot better conclude than by presenting a general view of the information contained in the reports, and the benefits obtained by the labours of the association for the improvement of prison discipline in London, which may assist in some slight degree in giving wider circulation to the information which those reports contain.

This society has, in 1832, published its Eighth Report, from the commencement of its association in 1818, and the mass of information contained in each, from all parts of the world, could only be procured by the industry, expense, and labour of men deeply interested in the cause they undertook, and highly qualified for the task. I shall endeavour to lay their objects, researches, and *results* before the reader in a very brief form, referring to the reports themselves for the interesting details.

This society at once adopted the bold and enlarged view of investigating, as far as practicable, the mode pursued by every existing Government with their criminals, entertaining the grand and benevolent idea of not only ameliorating the situa-

tion, but of amending the morals and character of all persons who had subjected themselves to the penalty of the law, and in this way they also considered they could best forward the objects nearest their hearts—the improvement of the prisons in England.

They rapidly established corresponding societies in Europe and America, composed of persons equally interested in the cause, and thus without the aid of additional law or any power, except that of public opinion, a change has been effected wherever their name has reached, and to the credit of humanity a system has been established of order, cleanliness, industry, and moral government, in many countries which cannot easily be supposed to retrace its steps, whatever changes may naturally be expected to take place, by frequent neglect or other causes. It must not, however, be supposed I mean to attribute every good that has taken place solely to this society ; many individuals from the days of Howard to this period, have expended time, talents, and money to advance the same end. But no individual exertion could in any way succeed so powerfully, as that of a society who could divide their labour, and command resources otherwise unattainable.

Slow, I admit, but certain of success must be the prudent exertions of any association for the public good, who take reason and patient investigation for their guide and benevolence for their end, and it is to the tardiness of mankind to listen to what is for their benefit, that are to be attributed the remaining great deficiencies in the management of prisons at home or abroad.

It is manifest this association has succeeded to a certain extent already, and if nothing more were effected they deserve the gratitude of their country. They found the gaols (with a few exceptions) at their commencement, scenes of filth and suffering, idleness and crime, disease and cruelty, fetters and crowding, with frequently a want of sufficient

food and air. We now find (with the exception of constant employment) that all these evils have for the most part vanished, or are rapidly vanishing. This can only be attributed to the good sense and good feeling of the magistrates and people of England, who have been influenced by the reports and exertions of this body. What remains to be done is to make every prison a scene of morality, industry, and strict discipline; then we may expect reformation of character, and consequently a reduction of crime in the kingdom, and that this, to a certain degree, will be the result of the labours of the association, I have no doubt.

The temporary refuge that this society has established in London, for boys released from prison, has been eminently successful, and it only requires funds to extend it, to make it prove of the greatest use to the metropolis.

In the society's report they have given an account of the improvements proposed for the gaols in the West India Islands, by the Commissioners of Inquiry into the Administration of Civil and Criminal Justice in those Colonies. The regulations proposed are admirable, but it is to be regretted that at present, these commissioners do not find a single instance of classification, industry, moral government, or sufficient accommodation in existence. Consequently, irons and flogging are common punishments, and in many cases there are places of confinement and stocks on estates not subject to visits or control.

In Quebec, and the other parts of British America, the subject of prison discipline has attracted attention, and is slowly but, I trust, surely gaining ground, and the experiments and great improvements lately made in the American States hold out encouragement to every country.

A great interest has also been manifested in France on the subject of their prisons. An Inspector-General has been appointed, and committees exist in most of the large towns. The powerful

support of Government and public opinion have united to give effect to the benevolent efforts that are made, and the result must in a short time demonstrate the utility of the system. The prisoners receive a share of their earnings, and it is stated that not more than one-eighth of all the criminals of France are unemployed.

In Germany and Prussia the cause of prison discipline is rapidly progressing under the fostering care of the governments. Doctor Julius, of Hamburgh, and other well-known philanthropists have, for a long period, given their personal aid and labour to this great object, and by their exertions, associations are established throughout Germany. The Ladies' Committees and Houses of Refuge for Youth, compose a prominent part of the plan of the German Associations, and the examples established in this country, are likely to be followed all over civilized Europe.

In Sweden and Holland associations have been formed, and ground has been gained since the last report.

In Switzerland less has been done than in most other countries as yet, with some exceptions, such as the New Penitentiary at Geneva.

In the Russian dominions the progress has been slow; but it is gratifying to hear that the government of that extensive country has given countenance and support to the improvement of the prisons.

In America much has been done since the last report of the society, and to this interesting country I apprehend we may chiefly look for information on the practical effects of a good system. Their laws, habits, and manners are very similar to those in England, and they possess a peculiar facility in adopting what is right, or abandoning what is wrong, on account of their separate governments. The capacity and talent of any one State are brought to bear on any given subject, and it requires but little machinery to set the engine at

work, after a rational inquiry has established its utility. They do not hesitate to revise their criminal law, and adapt it to the penitentiary system, even though it were only to give it a fair trial, and it appears from the reports I have read, that they have discovered the best mode at present known for the management of prisons, whether we view it as respects rational punishment or reformation.

The principal features of their system are as follow :—

Constant employment for all (not solitary, except as a punishment) ; silence, and non-intercourse with fellow-prisoners ; a separate cell at night for every inmate, male or female ; with religious and moral instruction daily ; separation of the female classes, even in buildings ; constant inspection day and night.

The principal places where this plan is adopted are—Charlestown, Wethersfield, Auburn, Sing-Sing, Philadelphia, Pittsburgh, Boston, Baltimore, Tennessee, Kentucky, and in many other States the plan is in progress. The trials have proved successful in preventing re-committals and producing reformation, and in some of the above prisons the amount of work has far exceeded the expense of diet and the salary of officers. This is a most important fact, and worthy of imitation.

These prisons are built to contain from 400 to 800 criminals each, in separate cells, and perhaps the greatest difficulty to overcome in every kingdom, is the expense of such accommodation. They have determined, that whatever may be the state of crime, the number of their cells shall meet the exigency.

The state of crime, as it respects very young criminals, has received much consideration ; and houses of refuge for them have been erected by the Government in many of the States.

I shall now close my labour, with asserting that I am confident of the rational success of the system proposed, if it shall receive a fair and full trial ; crime will be considerably reduced by our gaols

becoming places of restraint, industry, and instruction, and many cases of reformation will follow the opportunity given for reflection and repentance. Canvassing this subject in any shape, is but of modern date. Let it be fairly discussed, and I fear not the result, and I trust yet to see the period when Great Britain will be as eminent in her jurisprudence and the moral government of her prisons, as she is in the arts and sciences, commerce and manufactures.

It is true that human nature has a constant tendency to evil, but there exists still in our nature a sympathy with virtue, and to this still voice I look with confidence for realising the wishes of the philanthropist, as it respects the inmates of prisons in every part of the world, and am convinced that the penitentiary system I have proposed for all prisons, and as recommended by all those who have considered the subject maturely, is the most effectual plan for the punishment and reformation of criminals, that has ever been suggested in ancient or modern times.

THE END.

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